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COMPREHENSIVE PLAN FOR CRIMINAL JUSTICE IMPROVEMENT

MONTANA 1977

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MONTANA

Comprehensive Plan

for

Criminal Justice

Improvement

1977

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MONTANA BOARD OF CRIME CONTROL

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BOARD OF CRIME CONTROL
1336 HELENA AVENUE
HELENA, MONTANA 59601
TELEPHONE NO. 449-3604

August 31, 1976

IN REPLY REFER TO:

Mr. Joseph Mulvey
Regional Administrator
Law Enforcement Assistance Administration
6324 Federal Building
Denver, Colorado 80202

Dear Mr. Mulvey:

I am pleased to submit Montana's Plan for Criminal Justice Improvement for 1977.

This volume represents the labor of the State Commission, staff, Regional Advisory Councils and numerous other committees and task forces.

This volume also represents the Commission's continued emphasis toward crime-oriented planning, but also demonstrates proposed programs which reflect the individualized needs of certain jurisdictions and agencies.

I look forward to working with you and your staff during the implementation of our plan.

Sincerely,

BOARD OF CRIME CONTROL

Mike A. Lavin
Administrator

MAL/dmb

Enclosure

APPROVED
OMB NO. 43-R-0535

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

APPLICATION FOR ACTION GRANT

FISCAL YEAR	APPLICANT STATE

APPLICANT: PLEASE CHECK APPROPRIATE STATEMENT(S)

[X] Application Is Hereby Made For a Grant Under Title I, Part C and Part E of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 197, As amended by P. L. 91-644, 84 Stat. 1880 and P. L. 93-83, 87 Stat. 197).

[X] Application Is Hereby Made for a Grant Under Title II, Part B, Subpart I of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415, 88 Stat. 1109).

STATE PLANNING AGENCY	AMOUNT OF GRANT REQUEST – PART C
Montana Board of Crime Control 1336 Helena Avenue Helena, Montana 59601 (406-449-3604)	$1,349,000
	AMOUNT OF GRANT REQUEST – PART E $ 140,000
	AMOUNT OF GRANT REQUEST – JJDP

PLANNING AGENCY ADMINISTRATOR *(Name, address, zip code, telephone number)*	FINANCIAL OFFICER *(Name, address, zip code, telephone number)*
Mike A. Lavin, Administrator Montana Board of Crime Control 1336 Helena Avenue Helena, Montana 59601 (406-449-3604)	

(Please check and complete one)

1. THIS APPLICATION IS SUPPORTED BY:

[X] THE ATTACHED REVISED COMPREHENSIVE PLAN DATED August 31, 1976.

[ ] THE ATTACHED *(supplement) (amendment)* TO COMPREHENSIVE PLAN DATED _____.

2. THE UNDERSIGNED REPRESENTS, ON BEHALF OF THE APPLICANT THAT:

a. Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with the General Conditions Applicable to Administration of Grants under Part C and Part E, Title I of P. L. 90-351, as amended, as set forth in appendix 9 of the Guideline Manual M 4100.1E.

(Continued on Reverse)

b. Any grant awarded pursuant to this application under the Juvenile Justice and Delinquency Prevention Act of 1974 shall be subject to and will be administered in conformity with guidelines under Title II, Part B, Subpart I of P. L. 93-415, as set forth in Guideline Manual M 4100.1E.

c. Funds awarded will be used only for the programs described in the Section entitled "Annual Action Plan" as set forth in the approved Comprehensive Law Enforcement Plan or in any amendment thereto duly filed with and approved by the Law Enforcement Assistance Administration.

d. Not more than one-third of the gross amount of this grant will be expended for compensation of police and other regular law enforcement personnel, exclusive of compensation for time engaged in conducting or undergoing training programs, or compensation for personnel engaged in research, development, demonstration or other short-term programs.

e. Any grant funds so expended for compensation of personnel subject to the one-third limitation will be matched by State or local expenditures for increased personnel compensation of equal amount.

3. The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Section 518(c)(1) of the Crime Control Act of 1973, and Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Justice issued to implement Title VI of the Civil Rights Act (28 C.F.R. Part 42, Subpart C) to the end that no person shall, on the grounds of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded in whole or in part with funds made available through the Law Enforcement Assistance Administration. The State Planning Agency further will comply with and insure compliance by its subgrantees and contractors with Department of Justice equal employment opportunity regulations in federally assisted programs (28 C.F.R. Part 42, Subpart D) to the end that employment discrimination in such programs on the grounds of race, color, creed, sex, or national origin shall be eliminated. The State Planning Agency further insures that educational institutions comply with the provisions and requirements of Title IV, Section 901, of the Education Amendments of 1972 (P. L. 92-318) which provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance from the Department of Justice. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

4. This application (submitted in 12 copies) consists of the following in addition to this form:

Attachment A: List of Action Programs for Which Grant Support Is Requested (See M 4100.1E, appendix 6, for instructions for completing this attachment)

Attachment B: General Conditions (See M 4100.1E, appendix 9)

Attachment C: Program Component - Comprehensive Law Enforcement and Criminal Justice Plan

Attachment D: Progress Report (OMIT IF INCLUDED IN COMPREHENSIVE PLAN)

SIGNATURE REQUIRED ON ORIGINAL COPY ONLY. USE INK. IF ANOTHER AUTHORIZED STATE SIGNATORY IS REQUIRED FOR THIS GRANT APPLICATION BY STATE LAW OR EXECUTIVE POLICY, THIS SHOULD BE ADDED, INCLUDING A REFERENCE TO POSITION AND TITLE.

SIGNATURE *(State Planning Agency Administrator)*	DATE	OTHER SIGNATURE, IF REQUIRED BY LAW OR EXECUTIVE POLICY *(Cite Position and Title)*	DATE
Richard Sauer	8/31/76		

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

APPLICATION FOR ACTION GRANT *(P. L. 90-351, as amended, and P. L. 93-415)*

ATTACHMENT A

LIST OF ACTION PROGRAMS FOR WHICH GRANT SUPPORT IS REQUESTED

(Derived from Program Descriptions in the State Plan Annual Action Program)

STATE: MONTANA

SHORT PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				ESTIMATED TOTAL COST	PART C		PART E		JJDP		PAGE REFERENCE IN PLAN
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	A-1					10,000	9,000	1,000					
	A-2					90,000	30,000	60,000					
	A-3					144,000	48,000	96,000					
	A-5					56,000	50,000	6,000					
	A-7					5,600	5,000	600					
	A-10					50,000	45,000	5,000					
	A-21					27,800	25,000	2,800					
	A-22					23,000	20,000	3,000					
	B-4					15,600	14,000	1,600					
	B-7					16,700	15,000	1,700					
	B-9					7,800	7,000	800					

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

APPLICATION FOR ACTION GRANT

ATTACHMENT A

CONTINUATION PAGE
PAGE ___ OF ___

STATE: MONTANA

SHORT PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				ESTIMATED TOTAL COST	PART C		PART E		JJDP		PAGE REFERENCE IN PLAN
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	B-22					56,000	50,000	6,000					
	B-17					5,600	5,000	600					
	B-5					16,700	15,000	700					
	C-2					27,800	25,000	2,800					
	C-3					23,000	20,000	3,000					
	C-4					11,200	10,000	1,200					
	D-1					80,000	60,000	20,000					
	D-4					14,000	10,000	4,000					
	E-3					30,000	15,000	15,000					
	E-4					80,000	40,000	40,000					
				COMPLETE TOTALS ON LAST CONTINUATION PAGE ONLY	TOTALS								

LEAA FORM 4402/1 (REV. 12-75) ATTACHMENT "A" – CONTINUATION PAGE

DOJ

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

APPLICATION FOR ACTION GRANT

ATTACHMENT A

CONTINUATION PAGE
PAGE ___ OF ___

STATE: MONTANA

SHORT PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				ESTIMATED TOTAL COST	PART C		PART E		JJDP		PAGE REFERENCE IN PLAN
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	E-5					102,000	51,000	51,000					
	F-4					11,200	10,000	1,200					
	G-1					56,000	50,000	6,000					
	G-2					417,000	375,000	42,000					
	G-7					67,000	60,000	7,000					
	H-1					34,000	30,000	4,000					
	H-2					16,700	15,000	1,700					
	H-5					5,600	5,000	600					
	I-1					23,000	20,000	3,000					
	I-2					94,000	70,000	24,000					
				COMPLETE TOTALS ON LAST CONTINUATION PAGE ONLY	TOTALS								

LEAA FORM 4402/1 (REV. 12-75) ATTACHMENT "A" – CONTINUATION PAGE

DOJ

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

APPLICATION FOR ACTION GRANT

ATTACHMENT A

CONTINUATION PAGE
PAGE ___ OF ___

STATE: MONTANA

SHORT PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				ESTIMATED TOTAL COST	PART C		PART E		JJDP		PAGE REFERENCE PLAN
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	I-4					112,000	100,000	12,000					
	I-5					11,200	10,000	1,200					
	I-11					16,700	15,000	1,700					
				COMPLETE TOTALS ON LAST CONTINUATION PAGE ONLY	TOTALS	1,757,200	1,329,000	428,200					

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

APPLICATION FOR ACTION GRANT
ATTACHMENT A
CONTINUATION PAGE
PAGE ___ OF ___

STATE: MONTANA

MOST PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				EST MATED TOTAL COST	PART C		PART E		JJDP		
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	P-11					35,000			31,500	3,500			
	P-22					27,800			25,000	2,800			
	P-23					31,700			28,500	3,200			
	P-24					16,700			15,000	1,700			
	P-25					44,500			40,000	4,500			
					PART E TOTALS	155,700			140,000	15,700			
				COMPLETE TOTALS ON LAST CONTINUATION PAGE ONLY	GRAND TOTALS	1,912,900			1,469,000	443,900			

APPENDIX 9. GENERAL CONDITIONS APPLICABLE TO ADMINISTRATION OF GRANTS UNDER PART C AND PART E OF TITLE I, P. L. 90-351, AS AMENDED

The applicant State hereby assures and certifies that the State Criminal Justice Planning Agency and its subgrantees and contractors will comply with the LEAA regulations, policies, guidelines, requirements, Office of Management and Budget Circulars Nos. A-87, A-95, and A-102, and LEAA Guideline Manual M 7100.1A, Financial Management of Planning and Action Grants, as they relate to the application, acceptance and use of Federal funds for this federally-assisted Plan. Also, the applicant gives assurance and certifies with respect to the grant that:

1. REPORTS. Each grantee shall submit such reports as the Law Enforcement Assistance Administration shall reasonably request.

2. DISCRIMINATION PROHIBITED. No person shall, on the grounds of race, creed, color, national origin, age or sex be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under grants awarded pursuant of P.L. 90-351, as amended, or any project, program or activity or subgrant supported by this grant. The grantee must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and regulations issued by the Department of Justice and the Law Enforcement Assistance Administration thereunder as a condition of award of Federal funds and continued grant support. The grantee further must comply with the Justice Department equal employment opportunity regulation in Federally assisted programs, to the end that discrimination in employment practices of State Planning Agencies, law enforcement agencies, and other agencies or offices administering, conducting or participating in any program or activity receiving Federal financial assistance, on the grounds of race, creed, color, age sex or national origin, be eliminated. This grant condition shall not be interpreted to require the imposition in State plans or planning agency subgrant programs of any percentage ratio, quota system, or other program to achieve racial balance or eliminate racial imbalance in a law enforcement agency. The United States reserves the right to seek judicial enforcement of this condition.

3. FINANCIAL REPORTS. State Planning Agencies shall submit such financial reports as may be required on forms approved by OMB and prescribed by LEAA.

4. INSPECTION AND AUDIT. Accounts and records of the State agency and of local units of government and all other recipients of assistance under this grant, whether by direct grant or contract or by subgrant or subcontract from primary grantees or contractors, which disburse or utilize grant funds, must be accessible to authorized Federal and

APPENDIX 9. (CONTINUED)

State officials for the purpose of audit and examination. Notice of accessibility as set forth in Section 521 of Title I of P.L. 90-351, as amended, must be incorporated in each grant, subgrant, contract, subcontract or other document under which funds are to be disbursed. Where permitted by State consitutional provisions, an annual or biennial audit of the planning and action subgrant program must be accomplished by an appropriate State audit agency, State Planning Agency audit staff or a reputable public accounting firm. To the extent that State and local audit systems are determined by the LEAA to be adequate to insure fiscal accountability, they will be relied upon in lieu of Federal audit of grantee and subgrantee accounts. The Administration shall adhere, in all regards, to the principles enunciated in OMB Circular No. A-73, "Audit of Federal Grants-in-Aid to State and Local Governments."

5. MATCHING REQUIREMENTS. The applicant State will comply with the provisions of P.L. 90-351, as amended, concerning Part C and E funds: (i) money appropriated in the aggregate (Hard Match); (ii) for funds passed through to locals, the State will provide in the aggregate not less than one-half of the non-federal funding (Buy-In); (iii) the percent of all Federal funds granted to the State Planning Agency that will be available to units of general local government will be at least the percent of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government (Variable Pass-Through).

6. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM. The SPA certifies that it requires, as a condition for the receipt of LEAA funds, a certification by the subgrantee that it has executed and has on file, an Equal Employment Opportunity Program which conforms with the provisions of 28 CFR 42.301 et seq., subpart E, or in conformity with the foregoing regulation, no Equal Employment Opportunity Program is required.

7. POLITICAL ACTIVITY. The restrictions of the Hatch Act, 5 U.S.C. chap 73 subchapter III concerning political activity by government employees are applicable to State Planning Agency staff members and other State and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 Amendment to the Hatch Act, such State and local government employees now may take an active part in political management and campaigns except they may not be candidates for office.

General Conditions 8 through 22 apply particularly to projects funded in whole or in part with Part E funds, but may apply to projects funded with Part C funds.

8. AVAILABILITY OF FUNDS. State Planning Agencies shall insure that the availability of funds under Part E shall not reduce the amount of funds under Part C which a State would, in the absence of Part E, allocate for the purposes of corrections.

APPENDIX 9. (CONTINUED)

9. CONTROL OF FUNDS AND TITLE TO PROPERTY. The control of Part E funds and Title to Property purchased with Part E funds may not be transferred to private agencies, profit-making or otherwise even though these may be utilized in the implementation of Part E efforts including the purchase of services and Part E funds and property will not be diverted to other than correctional uses.

10. DESIGN TECHNIQUES. The State Planning Agency will insure that Part E projects utilize advanced techniques in the design of Institutions and facilities.

11. CONSTRUCTION CONSULTATION. The State Planning Agency must insure that with respect to construction or renovation of correctional institutions or facilities, that in the planning and development of architectural design or construction drawings the grantee or subgrantee will:

    a. Consult with and provide relevant documents to the National Clearinghouse for Criminal Justice Planning and Architecture, at the University of Illinois.

    b. Obtain a certification of compliance with national standards.

    c. Verify that no funds will be expended until such certification is obtained.

12. REGIONAL SHARING. The State Planning Agency shall insure that where feasible and desirable, provisions will be made for the sharing of correctional institutions and facilities on a regional basis.

13. MAINTENANCE OR UPKEEP OF CORRECTIONAL INSTITUTIONS. The State Planning Agency shall insure that Part E Grant funds will not be used for routine repair, maintenance, or upkeep purposes and further, with respect to construction, acquisition and renovation, may be used only for such institutions and facilities or portions thereof, which substantially provide or contribute to providing confinement or rehabilitation for those charged with or convicted of violation of the law.

14. PERSONNEL STANDARDS. The State Planning Agency shall insure that institutions and facilities receiving Part E funds have personnel standards and programs which reflect advanced practices. The SPA must be award of the personnel standards and programs which the State is seeking in its correctional institutions and facilities and must assure that subgrants of Part E funds will be conditioned in accordance with such standards and programs in order that LEAA may make the determination that satisfactory assurances exist.

APPENDIX 9. (CONTINUED)

15. RECRUITING, ORGANIZATION, TRAINING. To insure that the State is engaging in projects and programs to improve the recruiting, organization, training and education of personnel employed in correctional activities, including those of probation, parole and rehabilitation, the following minimum requirements shall be met in the programs and projects utilizing Part E funds in whole or in part: (i) at least 80 hours recruit training, at the entry into duty or during the first year of tenure, for both guards and correctional officers on the one hand and probation and parole officers on the other and (ii) at least 20 hours of in-service or refresher training per year for all such correctional personnel with more than one year of tenure.

16. NARCOTIC AND ALCOHOLISM TREATMENT. The State Planning Agency shall insure that correctional institutions and facilities, and probation or other supervisory release programs receiving Part E funds shall have suitable programs for the treatment of drug addicts, drug abusers, alcoholics or alcohol abusers.

17. MONITORING THE CORRECTIONAL SYSTEM. The State Planning Agency shall insure that an accurate and complete monitoring of the progress and improvement of the correctional system is developed. The monitoring system for the State corrections shall include the rate of prisoner rehabilitation and rates of recidivism in comparison with previous performance of the State or local correctional systems and current performance of other State and local prison systems not included in this program.

18. PART E ASSURANCE. The State Planning Agency certifies as a condition for receipt of Part E funds for the planning, construction, acquisition, or renovation of adult or juvenile correctional institutions or facilities, that all applicants will demonstrate, to the extent applicable to the particular project presented and area or region to be served by the proposed facility, adherence to the following:

    a. Reasonable use of alternatives to incarceration, including but not limited to referral and bail practices, diversionary procedures, court sentencing practices, comprehensive probation resources, and the minimization of incarceration by State and local parole practices, work-study release or other programs assuring timely release of prisoners under adequate supervision. (Applications should indicate the areas to be served, comparative rates of dispositions for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.)

APPENDIX G. (CONTINUED)

b. Special provision for the treatment, particularly in community-based programs, of alcohol and drug abusers.

c. Architectural provision for the complete separation of juvenile, adult female, and adult male offenders.

d. Specific study for the feasibility of sharing facilities on a regional (multi-State or multi-county or regional within States, as appropriate) basis.

e. Architectural design of new facilities providing for appropriate correctional treatment programs, particularly those involving other community resources and agencies.

f. Willingness to accept in the facilities persons charged with or convicted of offenses against the United States, subject to negotiated contract agreements with the Bureau of Prisons.

19. CONDITIONS APPLICABLE TO ALL CONSTRUCTION AND RENOVATION PROGRAM GRANTS. Subgrants of Part E funds for facilities construction or renovation, regardless of size, shall require that architectural and other needed professional services shall be obtained upon the basis and consideration of professional competence to deliver the required services. Contractual fee obligations for such services shall be in accordance with the prevailing suggested fee schedules of recognized professional organizations.

20. SPECIAL REVIEW OF CONSTRUCTION PROGRAMS. In conformity with Section 522 of the Act, the State will not release any grant funds for plans or programs involving the acquisition or construction of law enforcement facilities, without submission of such programs to area-wide agencies as provided in Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 for receipt of comments and recommendations.

21. CONDITIONS APPLICABLE TO LARGE CONSTRUCTION PROGRAM GRANTS. Subgrants of Part E funds for construction or facilities which require letting a contract amounting to $100,000 or more to a private company or individual must require a bid guarantee equivalent to 5 percent of the bid price, a performance bond on the part of the contractor for 100 percent of the contract price and a payment bond on the part of the contractor for 100 percent of the contract price.

APPENDIX 9. (CONTINUED)

22. CONDITIONS APPLICABLE TO ALL CONSTRUCTION PROGRAM GRANTS. Subgrants of Part E funds for construction purposes shall be accompanied by a statement of objectives of the proposed facilities, architectural programs, schematics, outline specifications and cost estimates; and, shall include a certification of the manner and means through which needed constructural services (site preparation, utility through which building construction purchases of equipment and fixture, etc.) will be obtained in accordance with the applicable provisions of appropriate State and/or local law, rules or regulations.

23. GRANTS FOR CONSTRUCTION. The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR chapter 60, which is paid for in whole or in part with funds obtained from the Federal government or borrowed on the credit of the Federal government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal employment opportunity clause:

During the performance of the contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

APPENDIX 9. (CONTINUED)

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor will comply with all provisions for Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

g. The contractor will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX 9 . (CONTINUED)

The applicant further agrees that it will be bound by the above equal employment opportunity clause with respect to its own employment practices when it participates in Federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal employment opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal employment opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal employment opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

24. BUILDING ACCESS FOR PHYSICALLY HANDICAPPED. Any building construction funded under Part E allocations and for which there is an intended use that will require that such building or facility be accessible to the public or may result in the employment or residence therein of physically handicapped persons must be so constructed as to assure that physically handicapped persons will have ready access to, and use of such buildings.

APPENDIX g. (CONTINUED)

25. RELEASE OF INFORMATION. Pursuant to Section 521 of the Act, as amended, all records, papers and other documents kept by recipients of LEAA funds, including State Planning Agencies and their subgrantees and contractors, relating to the receipt and disposition of such funds, are required to be made available to the Administration. These records and other documents submitted to LEAA and State Planning Agencies pursuant to other provisions of the Act, including Comprehensive State Plans and applications for funds, are required to be made available by LEAA under the terms and conditions of the Federal Freedom of Information Act (5 U.S.C. 552). State Planning Agencies must follow applicable LEAA Guidelines as set forth in the LEAA Guideline Manual M 4100.1D, paragraph 32 on release of information and State Planning Agency procedures designed to facilitate local government participation.

26. INFORMATION SYSTEMS. In respect to programs related to Criminal Justice Information Systems, the grantee agrees to insure that adequate provisions are made for system security, the protection of individual privacy and the insurance of the integrity and accuracy of data collection. The grantee further agrees:

a. That all computer software produced under this grant will be made available to the Law Enforcement Assistance Administration for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. Systems will be documented in sufficient detail to enable a competent data processing staff to adapt the system, or portions thereof, to usage on a computer of similar size and configuration, of any manufacturer.

b. To provide a complete copy of documentation to the cognizant Regional Office, upon request, and a complete copy to the Systems Development Division, National Criminal Justice Information and Statistics Service, Law Enforcement Assistant Administration. Documentation will include, but not be limited to System Description, Operating Instructions, User Instructions, Program Maintenance Instructions, input forms, file descriptions, report formats, program listings and flow charts for the system and programs.

c. That whenever possible all application programs will be written in ANS COBOL in order that they may be transferred readily to another authorized user. Where the nature of the task requires a scientific programming language, ANS FORTRAN should be used.

d. To avail himself, to the maximum extent practicable, of computer software already produced and available without charge. To insure that reasonable effort is extended in this area, LEAA publications and Regional Systems Specialists should be consulted.

APPENDIX 9. (CONTINUED)

27. CRIMINAL PENALTIES.

a. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have b been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

b. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

c. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

28. CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT VIOLATION. In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857), as amended by P.L. 91-604, the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) as amended by P.L. 92-500 and Executive Order 11738, subgrants or contracts will not be made to parties convicted of offenses under these laws.

APPENDIX 2. (CONTINUED)

29. RELOCATION PROVISIONS. In conformance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, P.L. 91-646, the State Planning Agency shall assure that any program under which LEAA financial assistance must be used to pay all or part of the cost of any program or project which will result in displacement of any personal shall provide that:

a. Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons as are required in such regulations as are issued by the Attorney General.

b. Relocation and assistance programs shall be provided for such persons in accordance with such regulations issued by the Attorney General.

c. Within a reasonable period of time prior to displacement, decent, safe and sanitary replacement must be available to the displaced person in accordance with such regulations as issued by the Attorney General.

d. Those persons affected by these provisions will be adequately informed of the available benefits, policies, and procedures relating to the payment of these benefits.

NOTE: For amplification of the Relocation Provisions see LEAA Guideline Manual M 4100.1E, paragraph 36 and LEAA Guideline Manual M 4061.1 .

APPENDIX 9. (CONTINUED)

30. ENVIRONMENTAL IMPACT. Any application for subgrants, subcontracts, etc., involving those actions listed in paragraph 33a, M 4100.1E, must include either an environmental evaluation or a detailed environmental analysis as required by Section 102(2)(C) of the National Environmental Policy Act. Before accepting an environmental evaluation the LEAA Regional Administrator shall make certain that questions are adequately answered, the document has been reviewed by the necessary clearinghouses and a determination can be made of the project's environmental impact. Following this determination, an environmental impact statement or negative declaration, as appropriate, shall be issued.

31. HISTORIC SITES. Before approving subgrant programs involving construction, renovation, purchasing or leasing of facilities the State Planning Agnecy shall consult with the State Historic Preservation Officer for historic preservation to determine if the undertaking may have an effect on properties listed in the National Register of Historic Places or properties eligible for the National Register. If the undertaking may have an effect, the State Planning Agency must follow the procedures outlined in LEAA Guideline Manual M 4100.1E.

32. USE OF AIRPLANES AND HELICOPTERS. Airplanes and helicopters purchased in whole or in part with grant funds must be used for the purposes stated in the application and may not be used for non-law enforcement purposes by State and local officials.

33. EDUCATIONAL SUPPORT. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving LEAA financial assistance with the exception of the qualifications set forth in Title IX, Section 901(a) of Public Law 92-318 (86 Stat. 373).

34. PUBLISHED MATERIAL. All published material and written reports submitted under this grant or in conjunction with contracts under this grant must be originally developed material unless otherwise specifically provided in the grant or contract document. When material, not originally developed, is included in the report, it must have the source identified. This identification may be in the body of the report or by footnote. This provision is applicable when the material is in a verbatim or extensive paraphase format.

35. APPLICABILITY. By appropriate language incorporated in each grant, subgrant, contract, subcontract, or other documents under which funds are to be disbursed, the grantee shall assure that these conditions apply to all recipients of assistance.

APPENDIX 9. (CONTINUED)

36. MEDICAL RESERACH AND PSYCHOSURGERY. The applicant agrees to comply with the provisions of LEAA Guideline G 6060.1A.

37. REPROGRAMMING OF FUNDS. The State Planning Agency on its own cognizance may reprogram funds among action programs to a cumulative amount of 15 percent of any action program of $10,000 whichever is greater. Reprogramming of funds in excess of the above limits requires prior approval of the cognizant LEAA Regional Office.

38. Prohibition Against Reprogramming Out of the Juvenile Justice Area. The SPA shall not exercise reprogramming authority in the JJ area of Crime Control Act without the prior approval of LEAA.

39. FLOOD DISASTER PROTECTION. In accord with Section 202(a) of the Flood Disaster Protection Act of 1973, no Federal agency may approve any financial assistance for construction purposes after July 1, 1975 for use in any area identified by the Secretary of the Department of Housing and Urban Development (HUD) as an area having special flood hazards unless the community in the hazardous area is then participating in the National Flood Insurance Program.

40. CONFIDENTIALITY OF RESEARCH INFORMATION. Research information identifiable to an individual, which was obtained through a project funded wholly or in part with LEAA funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding, pursuant to section 524(a) of the Omnibus Crime Control and Safe Streets Act of 1968 as amended.

41. BUDGET ACT. This grant award, or portion thereof, is conditional upon subsequent congressional or executive action which may result from Federal budget deferral or recision actions pursuant to the authority contained in Sections 1012(a) and 1013(a) of the Congressional Budget and Impoundment Control Act of 1974, 31 U.S.C. 1301, Pub. L. 93-344, 88 Stat. 297 (July 12, 1974).

42. APPLICABILITY. By appropriate language incorporated in each grant, subgrant, contract, subcontract, or other documents under which funds are to be disbursed, the grantee shall assure that these conditions apply to all recipients of assistance.

APPENDIX 9. (CONTINUED)

43. SAFE WATER DRINKING ACT. The Safe Drinking Water Act, Pub. L. 93-523, 88 Stat. 1660, was enacted to assure that the public is provided with safe drinking water. Section 1424(e) of the Act is applicable to LEAA programs. It is provided that if the Administrator of the Environmental Protection Agency determines that an area has an aquifer (a water bearing stratum of permeable rock, sand or gravel) which is the sole or principal drinking source for an area and which if contaminated would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After publication of such notice, no commitment of Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the EPA Administrator determines may contaminate such an aquifer.

Accordingly, it is advised that a grant condition be included which provides that any prospective subgrantee of Parts C and E block grant funds has assured that the project will have no effect on an aquifer so designated by the EPA Administrator.

INTRODUCTION

The Crime Control Division is the State Planning Agency (SPA) for Montana. The Montana Board of Crime Control is the supervisory board of sixteen members appointed by the Governor and representing the various segments of the criminal justice system. The SPA personnel serve as staff to the supervisory board. The organization of the agency is shown

Following are brief descriptions of the functions of each of the three bureaus within the SPA:

Bureau of Grant Administration

The primary responsibility of this bureau is to develop, implement, and direct operating policies and procedures relative to grant development and processing activities of the SPA. For this purpose the bureau maintains four field offices to assist local governments in applying for federal funds and in following up on programs and fiscal accountability. The bureau's responsibility in the central office is to insure efficient processing of grants and disbursement of funds for all state and local agencies applying for federal financial assistance.

Bureau of Planning

The Bureau of Planning has three major functions within the SPA. The three areas of responsibility are:

1. to develop an annual comprehensive plan

2. to provide technical assistance and technology transfer

3. to monitor and evaluate programs and projects

In addition to these, the bureau is also responsible for the SPA's meeting the requirements for compliance with the Juvenile Justice and Delinquency Prevention Act of 1974, in which program the Board of Crime Control has elected to participate.

The planning process is explained in detail elsewhere in this document.

The technical assistance function of the bureau is currently being upgraded and a formal technical assistance plan will be completed by the appropriate date established by LEAA.

The monitoring and evaluation previously done by the Bureau of Standards (now the Bureau of Grant Administration) was transferred to the Bureau of Planning and is becoming an integral part of the planning/evaluation process.

Bureau of Research and Design

This bureau is responsible for collecting and analyzing criminal justice statistics and for the planning and development of automated criminal justice information systems. The bureau provides technical assistance throughout the state on record systems, statistics, and automated systems.

The SPA participates in LEAA's Comprehensive Data Systems and the bureau is currently developing a plan for the long-range development and utilization of automated information systems.

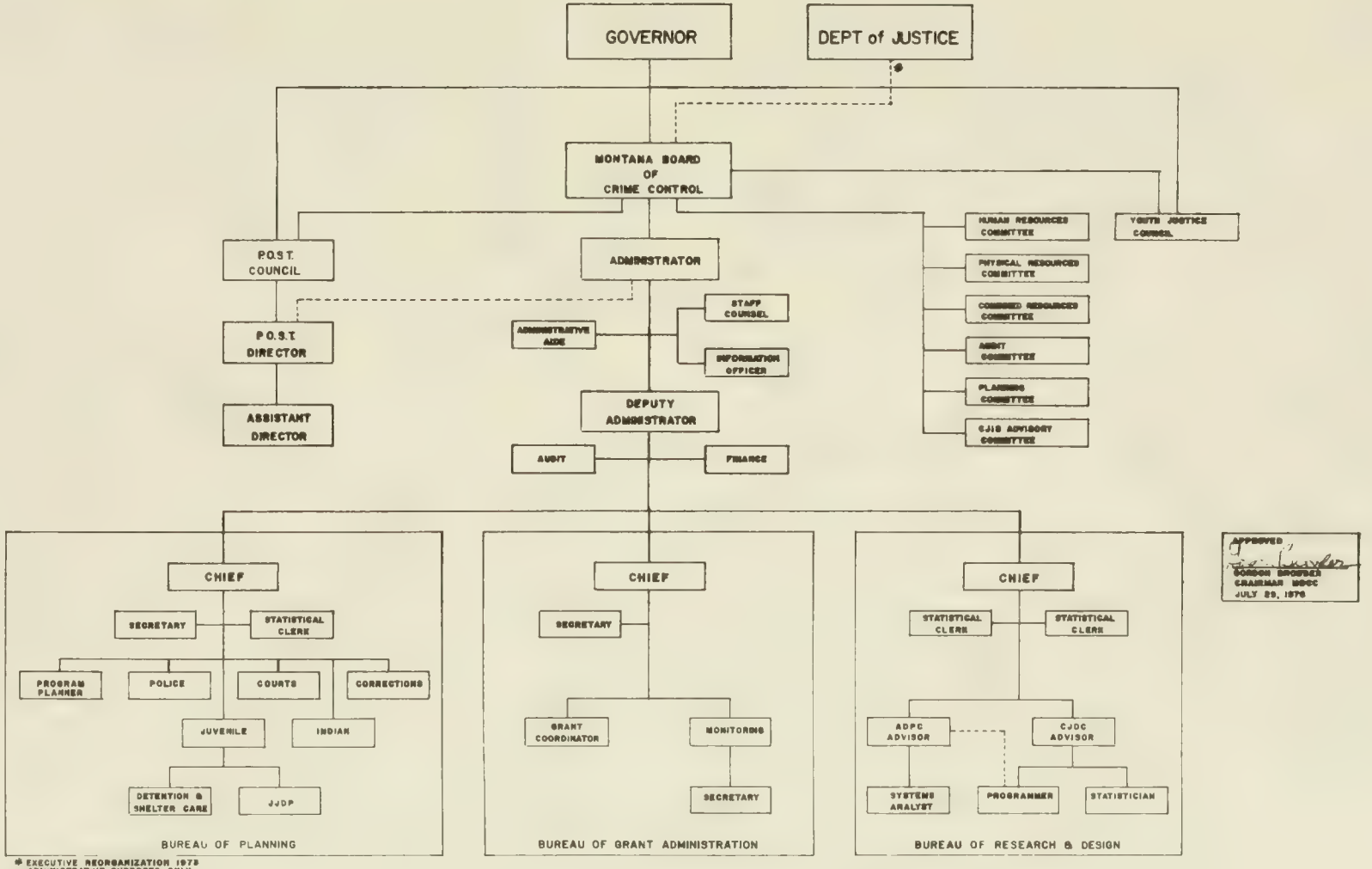
MBCC

MONTANA BOARD OF CRIME CONTROL

ILLUSTRATION i

MONTANA

BOARD OF CRIME CONTROL



* EXECUTIVE REORGANIZATION 1975
ADMINISTRATIVE PURPOSES ONLY

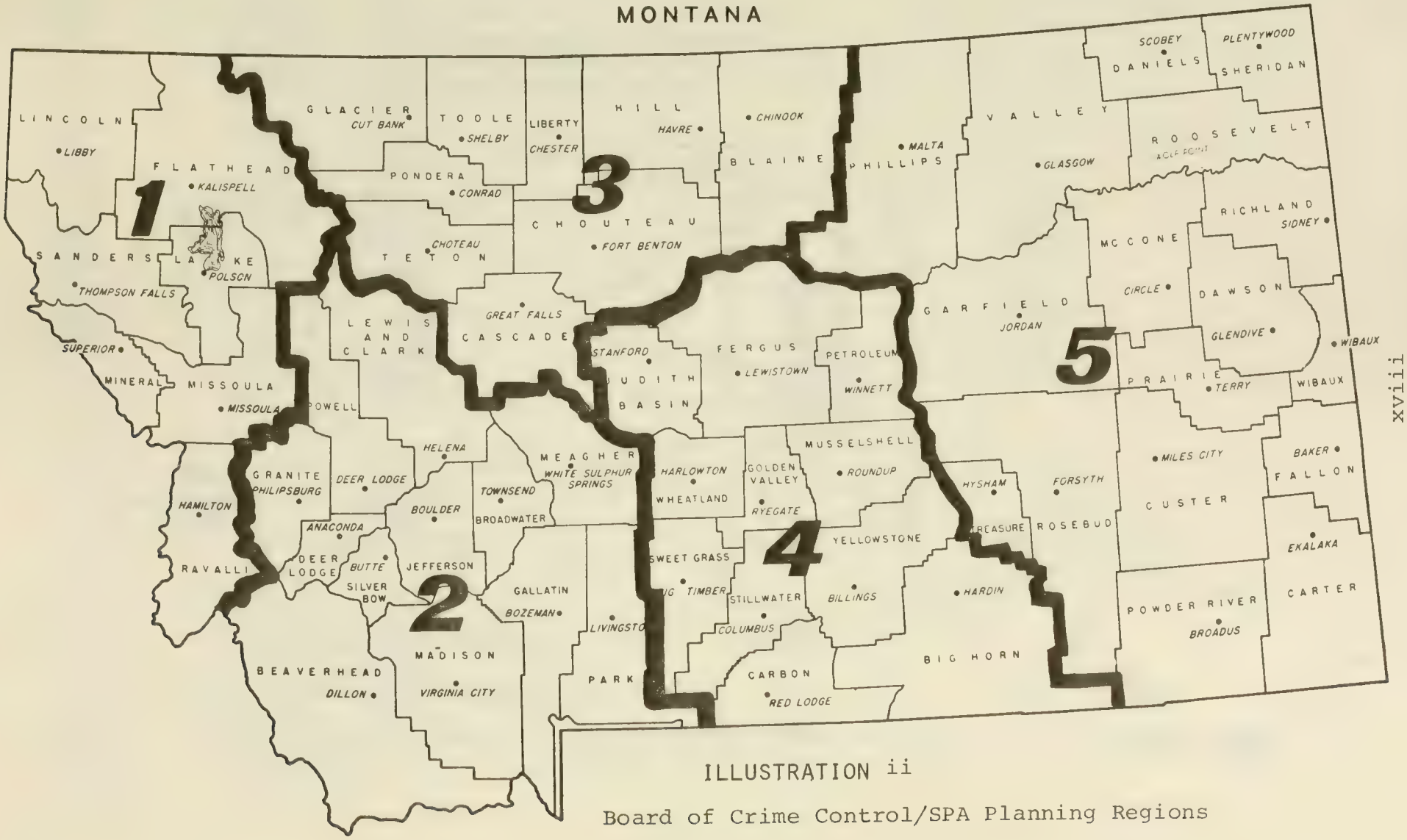


ILLUSTRATION ii

Board of Crime Control/SPA Planning Regions

PART I - THE MULTI-YEAR PLAN

A. CRIME ANALYSIS

Montana Offense Data

The crime rate for the state as a whole for 1975 was 4,435.0, which means there were 4.4 crimes (seven major offenses) for every 100 Montanans. This figure is up 12.8% over the previous year.

Data supporting the crime figures for 1975 in this section came from all 56 counties reporting voluntarily to the Criminal Justice Data Center of the SPA (State Planning Agency, or Crime Control Division, under the supervision of the Montana Board of Crime Control). This system of statewide data collection has been in effect since 1973. FBI Uniform Crime Report (UCR) data for 1975 is not expected to be available for the state until September, 1976, and if possible, will be incorporated into this report at a later date. The SPA data, however, is more complete than the data furnished by the UCR because there is more complete reporting.

The total number of offenses reported in 1975 statewide was 47,406, an increase of 12.5% over 1974, as shown in table A-1 below.

Table A-1
Crime Incidence Comparison
1974-1975

Offense	1974	1975	Percent Change
Homicide	44	46	+ 4.6
Rape	107	132	+23.4
Robbery	296	347	+17.2
Aggravated Assault	1038	1462	+40.9
Total Offenses Against Persons	1485	1987	+33.8
Burglary	6387	7240	+13.4
Larceny-Theft	19339	21417	+10.7
Motor Vehicle Theft	2116	2530	+19.6
Total Offenses Against Property	27842	31187	+12.0
Total Seven Major Offenses	29327	33174	+13.1
Negligent Manslaughter	25	28	+12.0
Other Assaults	948	1309	+38.1
Arson	68	77	+13.2
Forgery	472	453	- 4.1
Fraud	1008	1036	+ 2.8
Embezzlement	12	23	+91.7
Stolen Property	134	241	+79.9
Vandalism	6359	7672	+20.7

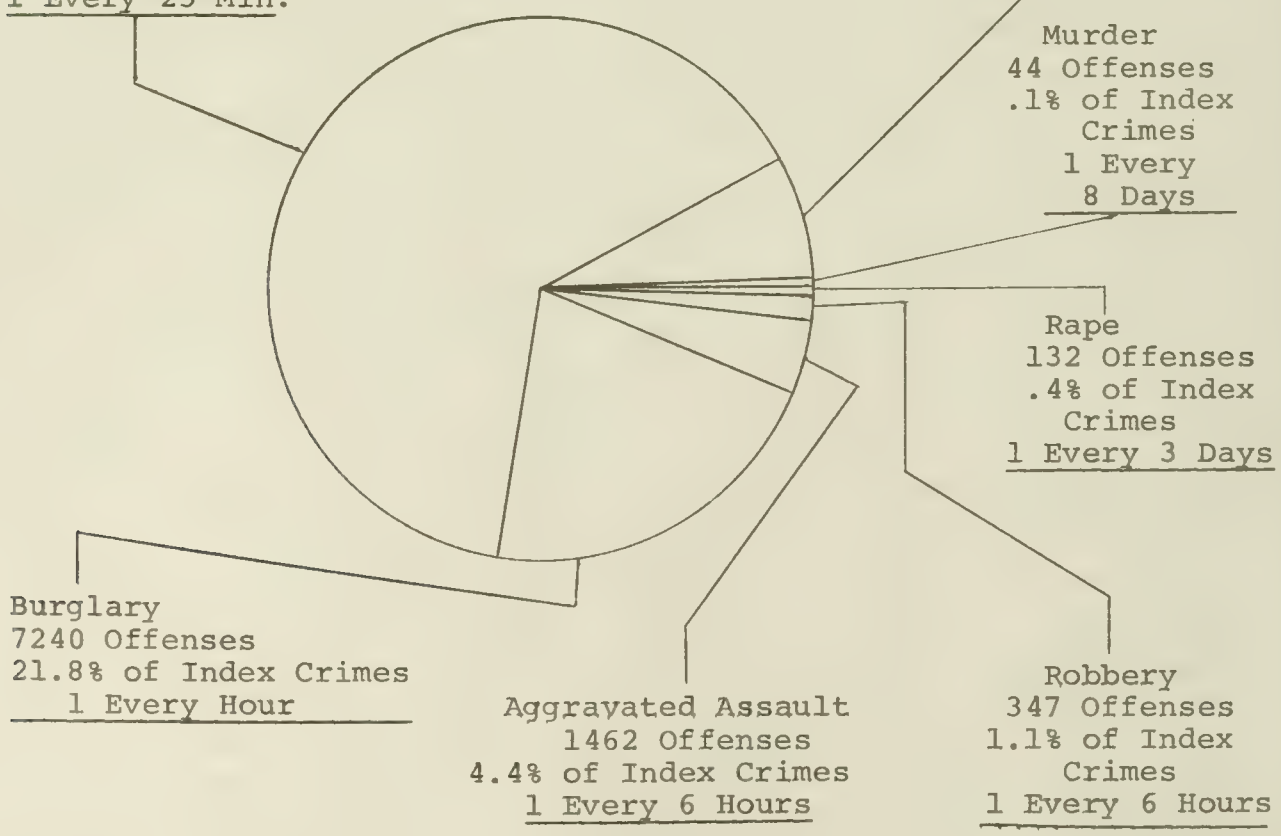
Table A-1 (Continued)

	1974	1975	Percent Change
Weapons	416	326	-21.6
Prostitution	10	23	+130.0
Sex Offenses	243	333	+37.0
Drugs	970	1759	+81.3
Gambling	42	47	+11.9
Offenses Against Family	314	905	+188.2
Total Other Offenses	11021	14232	+29.1
GRAND TOTAL OFFENSES	40348	47406	+17.5

Property crimes increased by 12% while offenses against persons increased by 33.8%. Notable were the greater numbers of aggravated assaults and rapes reported.

A profile of Montana crime for 1975 is presented in the following circle graph (Illustration A-1). This graph lends itself well to showing the proportions of the major index crimes as they relate to the total crime picture. Note the larceny/theft crime category, which accounts for 64.6% of all index crimes. In addition, property crimes consisting of burglary, larceny/theft, and motor vehicle theft account for 94% of all major crimes reported in 1975.

Illustration A-1
Crime Offense Profile
1975



Montana Offense Data

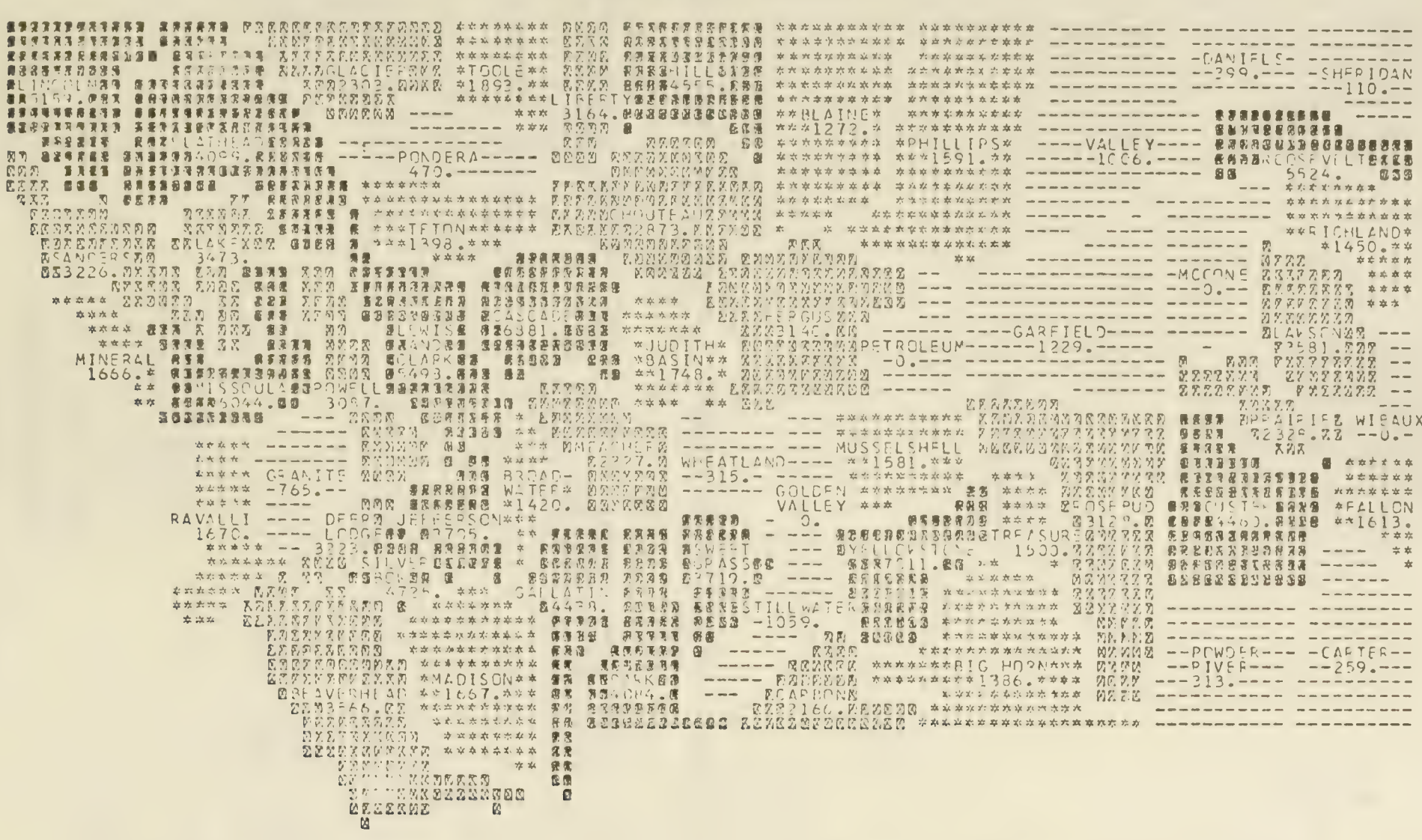
1973 - 1974 - 1975

Table A-2
Number of Offenses
(Seven Major)

"Person Crimes"	1973	1974	% Change	1975	% Change
Homicide	48	44	- 8.3	46	+ 4.6
Rape	128	107	-16.4	132	+23.4
Robbery	291	296	+ 1.7	347	+17.2
Assault	1172	1038	-11.4	1462	+40.9
Total "Person Crimes"	1639	1485	- 9.4	1987	+33.8
"Property Crimes"					
Burglary	5501	6387	+16.1	7240	+13.4
Larceny/Theft	15754	19339	+22.7	21417	+10.7
Motor Vehicle Theft	1687	2116	+25.4	2530	+19.6
Total "Property Crimes"	22942	27842	+21.3	31187	+12.0
TOTAL SEVEN INDEX OFFENSES	24581	29327	+19.3	33174	+13.1

Illustration A-2

MONTANA BOARD OF CRIME CONTROL
CRIME RATE PER 100,000 POPULATION, 1975
OFFENSES KNOWN TO POLICE



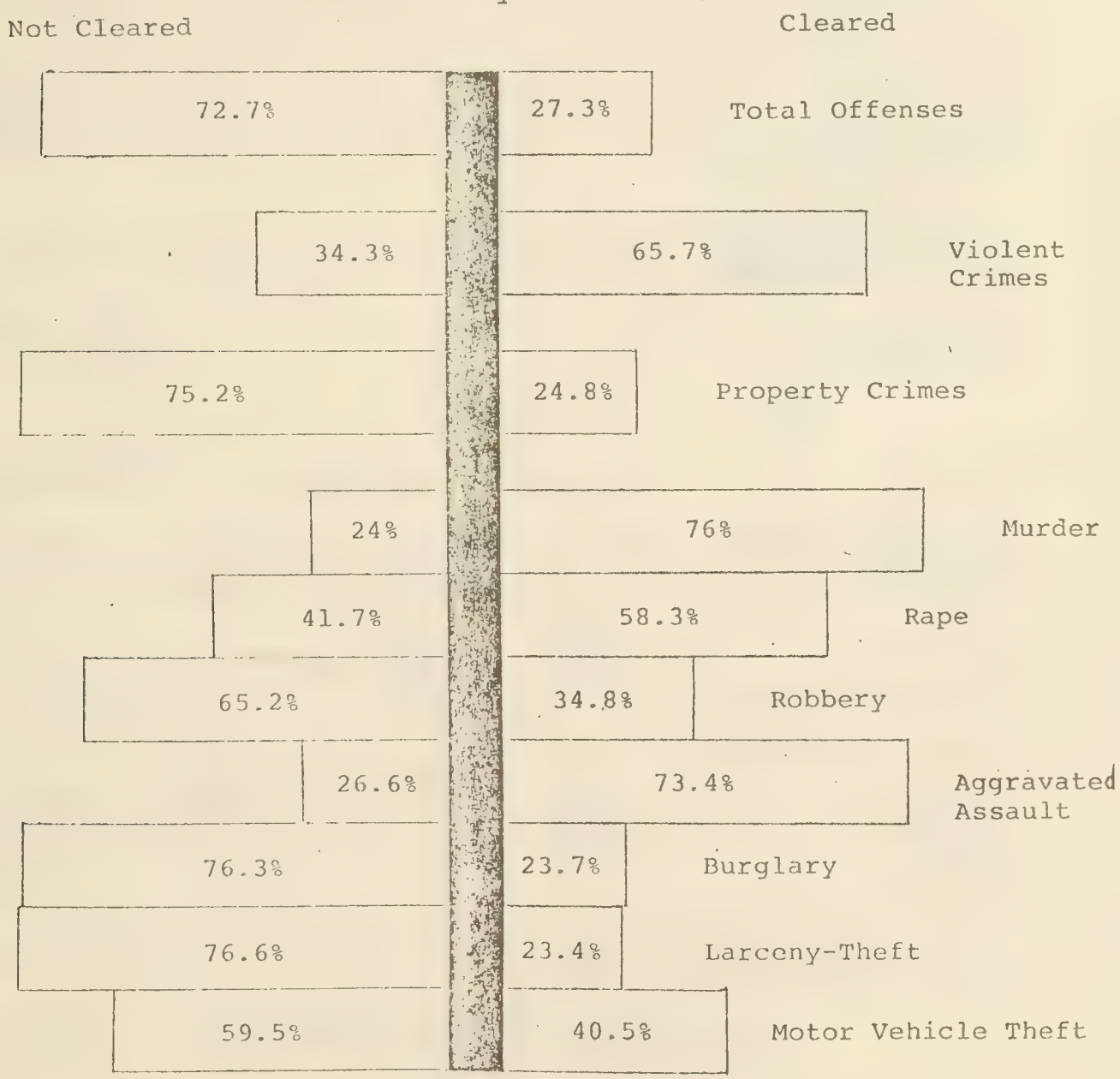
Clearances

During 1975, 9,065 major offenses, or 27.3% of the total 33,174 major offenses, were cleared by arrest. In 1974, 7,009 out of 29,327 offenses were cleared by arrest, for a clearance rate of 23.8%.

A major crime index offense is cleared when a law enforcement agency has identified the offender and there is enough evidence for a charge. The arrest of one person can clear several crimes, or several persons may be arrested in the process of clearing one crime.

The following is a graphic presentation of the percent clearances by type of offense. Property crimes--burglary, larceny/theft, and motor vehicle theft--have the lowest clearance while violent crimes or crimes against persons have the highest clearance.

Illustration A-3
% of Offenses Cleared by Arrest-1975



Montana Arrest Data

Montana arrest statistics are a summary of arrest activity reported through the Monthly Arrest Register system. Data on arrests was submitted by 55 county sheriff departments, 52 police departments, and seven tribal police departments.

During 1975, a total of 43,378 arrests were recorded by Montana law enforcement agencies, which amounts to a 2.6% total decrease from 1974. While felony arrests were 16.3% more numerous in 1975 (9,237), misdemeanor arrests were down 5.6% (25,994), and because of their volume caused the overall decrease in arrests statewide.

Montana law enforcement agencies reported 1,169 arrests for drug law violations in 1975, a 3% increase from the previous year. Arrests for narcotic drug violation are one of the few reliable indicators of the level of drug activity. The drug offense does not usually become known until an arrest is made. In addition, this trend is likely to be accentuated by a corresponding concentration of law enforcement activity in the drug investigation area.

Juveniles account for 24% of all drug arrests. In fact, age groups of 16-17, 18-19, and 20-25 account for the majority of all drug arrests.

Juveniles account for 23% of all arrests, both felony and misdemeanor.

Table A-3
Felony and Misdemeanor Arrests-1975

Felonies	# Arrests	Misdemeanors	# Arrests
Homicide	43	Alcohol-Related	11927
Rape	48	Public Conduct	5648
Robbery	130	Juvenile Delinquency	4058
Assault	983	Victimless	73
Burglary	1108	Traffic	980
Theft	1340	Minor Theft	2551
Motor Vehicle Theft	458	Other	10904
Checks, Card Forgery	490		
Sex	94	Total Misdemeanor Arrests	36141
Drugs	1169		
Weapons	125		
Arson	28		
Federal	181		
Others	1040		
Total Felony Arrests	7237		
Total Felony and Misdemeanor Arrests			43378

Consumer (Victimization) Surveys

Two separate consumer surveys were conducted by the SPA Criminal Justice Data Center, one in early 1975 and another in early 1976.

The first survey involved 2,000 questionnaires, of which 1,000 were distributed to names chosen at random from county jury lists, and 1,000 were sent to selected high schools for distribution to seniors in civics classes. Even though there was a high proportion of respondents in the younger age groups, their data was combined with that of the other groups since their concerns were much the same.

Of the 904 respondents in the first survey, 516 said they or a family member had been a victim of a crime. Almost 60% of those said they had reported the crime to police, but 35.9% said they had not, for various reasons such as the incident did not seem important enough, the police are rarely able to do anything about it, and the courts do not follow through and see that justice is done.

The crimes they reported having been victims of were the following:

	number of persons victimized	number of crimes reported to police
Aggravated assault	23	12
Rape	4	0
Robbery	37	19
Burglary	71	58
Larceny	148	97
Auto Theft	19	18
Vandalism	130	58
Bad checks, fraud	41	24

Theft and vandalism were the crimes that concerned the largest number of respondents, yet only 27.9% indicated they had made written inventories of their valuable property items.

When asked how many additional tax dollars, if any, they would be willing to pay to reduce the threat of crime, 67.1% of the respondents said they would be willing to pay various additional amounts, while the rest said they would not pay more.

When asked about consolidation of law enforcement into one city/county operation, 73.4% favored consolidation of police and sheriff agencies and 81.6% favored consolidation of criminal records.

On the question of who should have the responsibility for the state's correctional effort, more than one-third said state

government, where the responsibility is now, while 27.1% said local government and 21.8% said the community should bear the responsibility. Interestingly, 48.9% favored some type of local or community correctional facility.

When asked about support for law enforcement measures currently available to reduce criminal activity, 62.3% said they favored more severe penalties. Handgun registration was deemed necessary by 38.8% and undesirable by 41.9%.

According to the quality of past performance, city police and county sheriff departments were most frequently rated "good" and "average." Twenty-eight percent had no opinion as to juvenile probation officers, and 43% had no opinion on adult parole officers and juvenile aftercare counselors, indicating the respondents were not familiar with these aspects of the criminal justice system.

The second survey of 1,500 questionnaires was distributed to jury list names in the 14 counties with the highest crime rates. These counties also account for 66% of the state's population.

Of the 522 respondents, 298 indicated they or a family member had been a victim of a crime and 70% of these victims had reported the crimes to police, while 30% did not, primarily because they felt that reporting was useless and nothing would be done, that the police do not respond quickly enough, and that further along in the criminal justice process, the courts are not effective.

The crimes they reported having been victims of were the following:

	number of persons victimized	number of crimes reported to police
Aggravated assault	7	6
Rape	5	2
Robbery	7	7
Burglary	49	42
Larceny	86	67
Auto theft	19	18
Vandalism	101	53
Bad checks, fraud	24	14

Forty-nine percent of the respondents thought the privacy of arrest and criminal records is very to moderately important.

When asked for suggestions as to how to reduce crime in Montana, 32% recommended longer confinement for convicted

criminals, 28% suggested mandatory jail sentencing, and 13% said increasing the number of police would help.

Fifty-six percent felt most sentences given first offenders are too light and eighty-seven percent felt most sentences given second offenders are too light.

When asked what the most important goal of the Montana corrections system should be, 42% responded "protecting society from future crimes an individual might commit," 30% said "rehabilitating the individual so that he might become a productive citizen," and 25% said "punishment of the individual convicted of a crime."

Seventy-five percent said they would pay additional tax dollars to reduce the threat of crime.

Theft, murder, and drug-related crimes were of most concern to those responding.

Concerning consolidation of various aspects of law enforcement, most respondents favored combining police and sheriff agencies, criminal records, jails, radio communications, city courts/justice of the peace courts, city/county prosecutors, detective units, and juvenile officers in order to have a more efficient operation and use manpower more effectively.

Thirty-five percent believed law enforcement personnel spend most of their time patrolling, and 28% believed most of their time was spent answering complaints.

Provider Survey

The SPA Data Center also conducted a provider survey in 1976, gathering opinions of the following sectors of the criminal justice system. Out of 245 questionnaires mailed, 59% were returned.

Type Agency	Number Responding
Law Enforcement	64
Courts	44
Corrections	10
Prosecution	11
Juvenile Probation	15

Taken as a group, 24% of the respondents said that mandatory sentencing would reduce crime in the state, 22% said longer confinement of convicted criminals would reduce crime, and 18% said crime prevention programs would.

On the question of sentences for criminal offenders, 55% said sentences given first offenders are "about right" and 42% said those sentences are too light, but 79% said sentences given second offenders are too light.

Protecting society from future crimes an individual might commit was judged to be the most important goal of the Montana corrections system by 53%, while 20% favored punishment of the individual and 24% favored rehabilitating the individual. Note the similarity of this and the responses in the second consumer survey.

When asked whether courts, law enforcement, and corrections are more effective now than five years ago, 69% said law enforcement is more effective, 32% said courts are more effective, but 45% said corrections are less effective.

The group saw theft and burglary as the most serious problems in their communities, with drugs in third place.

Sixty-five percent said privacy of arrest or criminal records is moderately to very important.

By an overwhelming margin the providers favored combining criminal records systems (91%), jail facilities (89%), and radio communications (83%) into one city/county operation, while 63% favored combining city courts and justice of the peace courts, 61% favored combining city/county prosecutors, and 55% favored combining police and sheriff agencies.

Eighty-nine percent saw the law requiring all law enforcement personnel to complete the basic police course at the Law Enforcement Academy as beneficial.

When asked how their time is spent, they reported 30% is spent on answering complaints and inquiries, 29% on patrolling, and 22% on traffic enforcement, while they judged only 14% is spent on investigating crimes. These percentages are close to those reflecting what the consumer feels to be true, as shown by the second consumer survey.

Alcoholism and Drug Abuse in Montana

The Montana Department of Institutions estimates that the number of alcoholics in the state's total population is 5%, or 34,270, and estimates the alcoholism rate among Indians to be from 10% to 50%.

Montana ranks fourth among the states in per capita consumption of beer alone. Figures for total alcohol consumption are not available at this time.

For planning purposes, the Department of Institutions considers that alcoholics make up 8.5% of the state's population, or

	57,902
plus 50% Indians	13,565
for total of	71,467

The Department cites the Alcoholism Digest's estimate that 55% of all arrests in the United States are alcohol-related and that many involve violent crimes. The Department finds that with consumption of alcohol, emotional-type crimes against persons are quite high (60% or more). These crimes include homicide, suicide, assault, and rape.

If it can be assumed that Montana at least follows the national average, in sheer numbers a serious problem is evident. In all probability Montana exceeds the national average based on its very high per capita consumption rate.

The Department reports 4,309 (3,143 males, 1,166 females) alcohol-related admissions in 1975 to 17 treatment facilities in the state.

Refer to the section on Indian Criminal Justice Systems and also to the arrest figures in this section.

The Department of Institutions reports admissions to the Southwestern Montana Drug Program clinics in 1975 in the age group breakdown shown in Table A-4. A breakdown showing the primary drug is also included. With heavy traffic in the more seriously addicting drugs such as heroin, the Department of Institutions notes a significant increase in crimes against property.

Table A-4
Admissions
Southwestern Montana Drug Program
January 1, 1975-December 31, 1975

Age	Butte	Bozeman	Helena	Anaconda	Lighthouse	Total
Under 14	1	1				2
14 - 15	7	8	11	2	1	29 (7%)
16 - 18	52	27	32	29	2	142 (34%)
19 - 20	19	9	9	18	5	60 (14%)
21 - 25	46	8	19	17	20	110 (27%)
26 - 35	23	2	14	5	17	61 (15%)
36 - 45	5			3		8 (2%)
Over 45				3		3 (1%)
Total	153 (37%)	55 (19%)	85 (20%)	77 (19%)	45 (11%)	415 (100%)

Table A-5
Southwestern Montana Drug Program
and
Morningstar
July 1, 1975, through June 30, 1976
Primary Drug

	Butte	Bozeman	Helena	Anaconda	Lighthouse	Morningstar	Total
None	1					2	3
Heroin	6	6	1	3	4	2	22
Other Opiates	19	3	5	3	1		31
Alcohol					2	34	36
Barbiturates	30	5	1	16	4	2	58
Other Sedatives	17	5	5	10	3		40
Amphetamines	48	24	38	23	20	1	154
Cocaine	1	1	1	3	1	1	8
Marijuana-Hashish	11	2	7	3	2		25
Hallucinogens	9	9	10	18	1		47
Inhalants	4	2	2	1			9
Totals	146	57	70	80	38	42	433

Table A-6
Population by County
1974-1975

County	1974	1975	County	1974	1975
Beaverhead	8,300	8,300	McCone	2,700	2,700
Big Horn	10,500	10,900	Meagher	2,100	2,200
Blaine	6,800	6,800	Mineral	3,600	3,500
Broadwater	2,700	2,800	Missoula	63,700	66,500
Carbon	7,900	7,700	Musselshell	4,200	4,100
Carter	1,900	1,900	Park	11,900	12,000
Cascade	84,300	84,600	Petroleum	600	658
Chouteau	6,400	6,200	Phillips	5,500	5,400
Custer	12,300	12,000	Pondera	6,700	6,900
Daniels	3,200	3,000	Powder River	2,200	2,300
Dawson	10,900	10,300	Powell	7,400	7,400
Deer Lodge	15,100	15,200	Prairie	1,900	1,900
Fallon	3,900	4,000	Ravalli	17,900	18,500
Fergus	12,900	12,800	Richland	9,900	9,700
Flathead	42,600	44,200	Roosevelt	10,500	10,000
Gallatin	36,000	38,800	Rosebud	7,700	9,578
Garfield	1,600	1,600	Sanders	7,800	8,000
Glacier	11,400	11,600	Sheridan	5,300	5,400
Golden Valley	900	927	Silver Bow	43,200	43,200
Granite	2,700	2,700	Stillwater	5,200	5,300
Hill	17,700	17,900	Sweet Grass	3,100	2,900
Jefferson	6,900	7,200	Teton	6,400	6,500
Judith Basin	2,700	2,700	Toole	5,400	5,300
Lake	16,700	17,000	Treasure	1,200	1,228
Lewis & Clark	36,000	36,900	Valley	13,000	13,300
Liberty	2,300	2,500	Wheatland	2,500	2,300
Lincoln	17,000	15,800	Wibaux	1,400	1,456
Madison	5,900	5,800	Yellowstone	94,300	97,300

Table A-7
Population Change by County*
1960-1970

While the state as a whole gained 2.9% in population during the decade from 1960-1970, only 15 counties gained population. Forty-one counties declined in population; 14 over 15%.

Counties Increasing in Population	% Increase
Beaverhead	+13.8
Big Horn	+ 0.5
Cascade	+11.4
Fallon	+ 1.3
Flathead	+19.7
Gallatin	+24.8
Jefferson	+21.9
Lake	+10.2
Lewis and Clark	+18.8
Lincoln	+44.1
Missoula	+30.5
Powder River	+15.2
Ravalli	+16.8
Sanders	+ 3.1
Yellowstone	+10.6

Counties Decreasing in Population	% Decrease
Blaine	-16.9
Broadwater	- 9.9
Carbon	-14.9
Carter	-21.5
Chouteau	-11.9
Custer	- 8.9
Daniels	-17.9
Dawson	- 8.5
Deer Lodge	-16.0
Fergus	-10.0
Garfield	- 9.3
Glacier	- 6.8
Golden Valley	-22.6
Granite	- 9.2
Hill	- 6.9
Judith Basin	-13.5
Liberty	-10.1
Madison	- 3.8
McCone	-13.4
Meagher	-18.9
Mineral	- 2.6
Musselshell	-23.6
Park	-15.0
Petroleum	-24.5
Phillips	-10.6
Pondera	-13.6
Powell	- 4.9
Prairie	-24.4
Richland	- 6.3
Roosevelt	-11.6
Rosebud	- 2.5
Sheridan	-10.5
Silver Bow	- 9.6
Stillwater	-16.2
Sweet Grass	- 9.4
Teton	-16.2
Toole	-26.1
Treasure	- 4.1
Valley	-32.8
Wheatland	-16.4
Wibaux	-13.7

*Source: Recent Trends, Future Prospects. Neil C. Gustafson, Upper Midwest Council, Minneapolis, Minn. 1973, pg. 5.

Illustration A-4

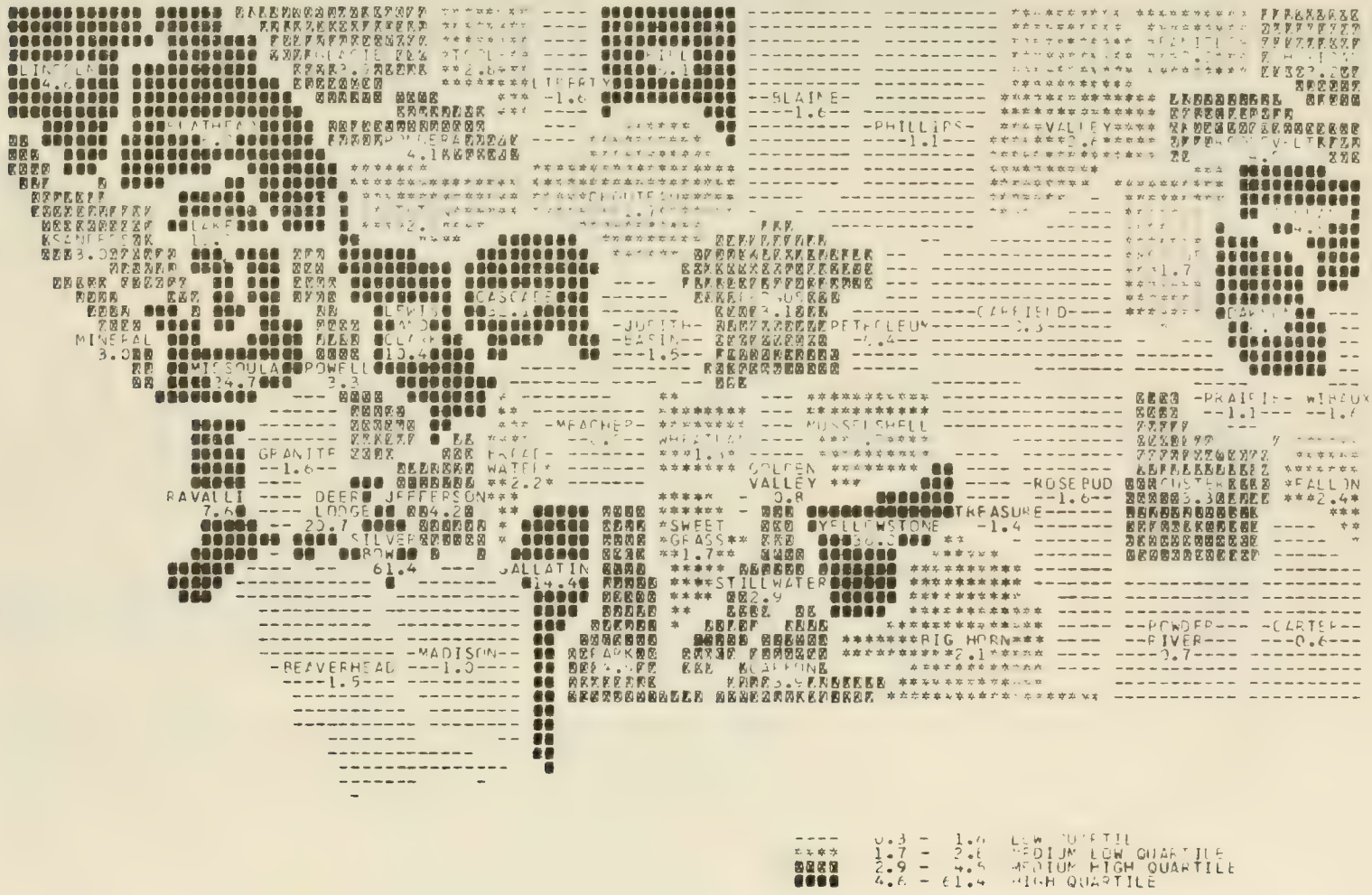


Table A-8
Comparison of
Population*

	1960	1970	1974
Montana total	675,000	694,000	730,000
Male	344,000	347,000	371,152
Female	331,000	347,000	375,679
Pop. per square mile	4.6	4.8	5.0
Metro. areas	152,000	169,000	178,000
Urban (area with pop. over 2500)	338,000	371,000	
Rural	336,000	324,000	
Net total Migration		-58,000	19,000

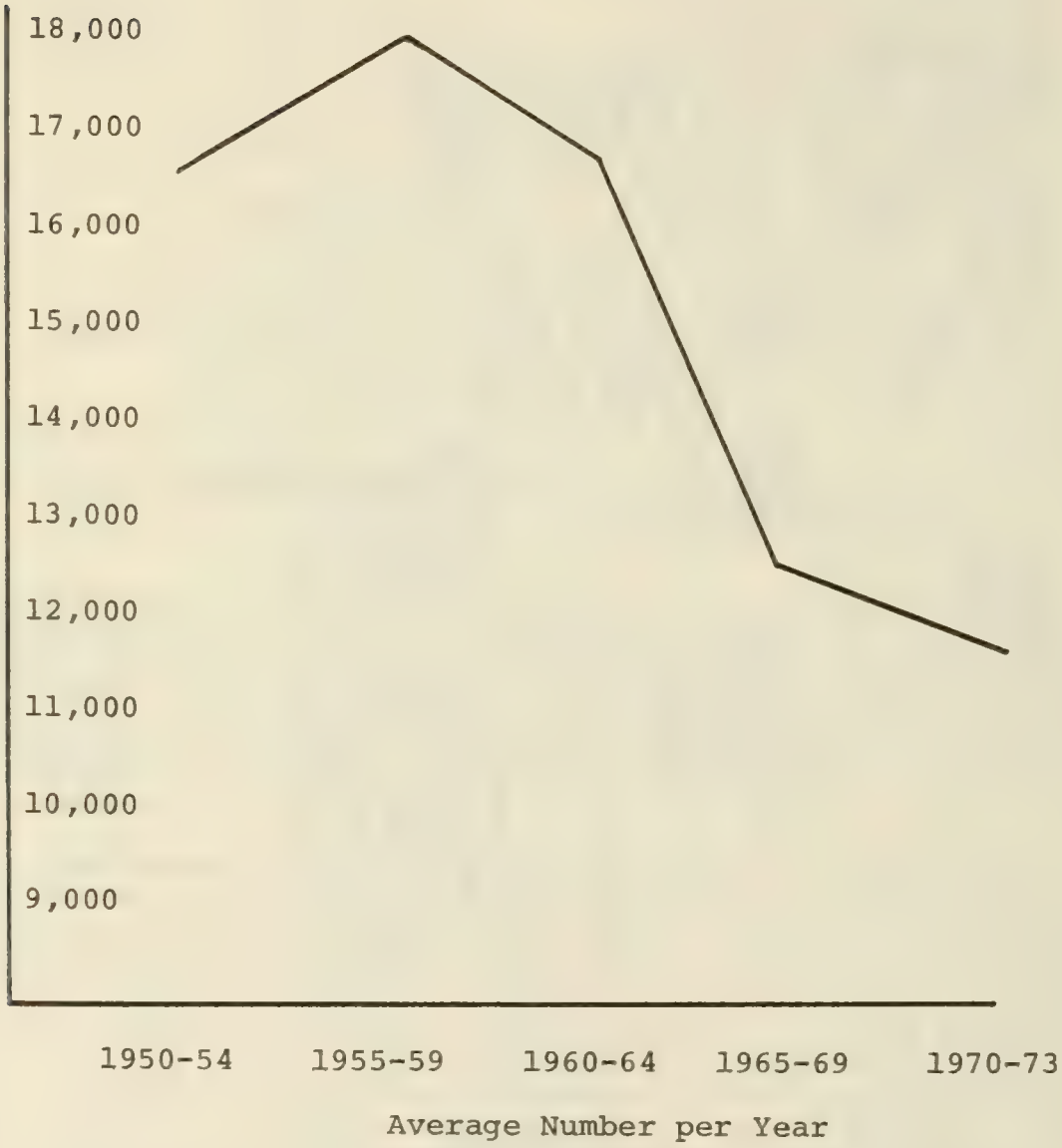
*Source: U.S. Statistical Abstract and Montana Department of Community Affairs

In 1974, the Data Center made a study of urban/rural crime in Montana which showed living in rural areas does not necessarily insulate people from various types of crime that are most generally associated with large, congested cities. Wide open spaces and a minimal population density may contribute to a comfortable sense of well-being and safety, but in actuality, it is no defense against the several types of violent crimes.

The analysis showed that about 70% of the seven major index crimes occur in urbanized areas. Even though only 30% of the offenses are occurring in the rural environment, several types of violent crimes are occurring there at a higher rate than in urban areas (murder, non-negligent manslaughter, rape, and aggravated assault). Seventy-one percent of all murders and non-negligent manslaughters occurred in rural areas, and 56% of rapes occurred in rural areas. Sixty-six percent of aggravated assaults occurred in rural areas. These types of crimes are more commonly committed by persons previously known to their victims, and in small Montana communities and isolated rural areas, an individual is likely to be known or recognized by almost every other resident in that same area.

The following illustration shows a peak of live births for the years 1955-59. In 1976, this group is reaching the ages of 17-21.

Illustration A-5
Live Births *



*Source: 1975 statistics from Office of the Superintendent of Public Instruction, Helena

Median Age Change by County**
1960-1970

Lowered birth rates and mobility have caused changes in the median age of the population. Generally counties with the greatest decreases in live births and population have had the greatest increases in median age. Conversely, those counties experiencing growth generally have had a decreasing median age.

Table A-9

County	1960 Median Age	1970 Median Age	Percent Change
Counties Decreasing			
Beaverhead	31.6	26.9	- 4.7 *
Cascade	25.7	25.1	- 0.6 *
Flathead	30.1	27.9	- 2.2 *
Gallatin	24.6	23.6	- 1.0 *
Jefferson	29.5	25.6	- 3.9 *
Lake	30.6	29.8	- 0.8 *
Lewis and Clark	30.1	27.9	- 2.2 *
Missoula	26.2	24.4	- 1.8 *
Petroleum	32.4	31.5	- 0.9
Powder River	28.4	25.1	- 3.3 *
Powell	31.9	30.6	- 1.3
Ravalli	33.8	32.5	- 1.3 *
Rosebud	26.5	26.2	- 0.3
Sanders	32.1	31.7	- 0.4 *
Silver Bow	32.3	30.2	- 2.1
Yellowstone	26.6	26.2	- 0.4 *
	29.5	27.8	- 1.7
Counties Increasing			
Big Horn	22.8	23.4	+ 0.6 *
Blaine	25.3	26.9	+ 1.6
Broadwater	28.7	30.4	+ 1.7
Carbon	35.5	39.8	+ 4.3
Carter	28.3	33.2	+ 4.9
Chouteau	28.2	30.8	+ 2.6
Custer	28.8	29.2	+ 0.4
Daniels	29.1	33.9	+ 4.8
Dawson	23.8	25.3	+ 1.5
Deer Lodge	32.1	32.9	+ 0.8
Fallon	25.3	26.4	+ 1.1 *
Fergus	30.2	32.0	+ 1.8
Garfield	27.6	28.1	+ 0.5
Glacier	22.8	23.2	+ 0.4
Golden Valley	32.4	36.8	+ 4.4

* County increased in population, 1960-1970.
**From Table 35, General Population Characteristics, Bureau of the Census, U.S. Department of Commerce.

Median Age Change by County**(Continued)

Table A-9 (Continued)
Counties Increasing

County	1960 Median Age	1970 Median Age	Percent Change
Granite	32.2	32.5	+ 0.3
Hill	24.0	24.3	+ 0.3
Judith Basin	30.5	34.1	+ 3.6
Liberty	24.8	27.1	+ 2.3
Lincoln	24.8	25.1	+ 0.3 *
McCone	26.5	28.5	+ 2.0
Meagher	31.2	32.4	+ 1.2
Mineral	25.4	26.6	+ 1.2
Musselshell	32.7	37.3	+ 5.0
Park	31.9	35.7	+ 3.8
Phillips	28.9	29.8	+ 0.9
Pondera	24.8	27.9	+ 3.1
Prairie	27.8	36.3	+ 8.5
Richland	26.2	28.0	+ 1.8
Roosevelt	22.9	24.9	+ 2.0
Sheridan	29.2	31.9	+ 2.7
Stillwater	31.3	35.5	+ 4.2
Sweet Grass	34.0	37.1	+ 3.1
Teton	28.1	32.2	+ 4.1
Toole	25.9	30.0	+ 4.1
Treasure	24.5	29.2	+ 4.7
Valley	23.4	25.5	+ 2.1
Wheatland	33.1	33.6	+ 0.5
Wibaux	28.2	28.9	+ 0.7
	28.0	30.3	+ 2.3

* County increased in population, 1960-1970.
**From Table 35, General Population Characteristics, Bureau of the Census, U.S. Department of Commerce.

Crime Rate by County

Ten counties have crime rates over the state crime rate of 4,435.0 and 23 have crime rates over 3000.

Table A-10 shows a comparison of crime rates among Montana's counties.

Table A-10
Crime Rate by County
1975

1.	Yellowstone	7011	29.	Toole	1893
2.	Cascade	6881	30.	Judith Basin	1748
3.	Missoula	6044	31.	Ravalli	1670
4.	Roosevelt	5524	32.	Madison	1667
5.	Lewis and Clark	5498	33.	Mineral	1666
6.	Lincoln	5159	34.	Fallon	1613
7.	Silver Bow	4725	35.	Phillips	1591
8.	Hill	4555	36.	Musselshell	1581
9.	Custer	4460	37.	Treasure	1500
10.	Gallatin	4438	38.	Richland	1450
11.	Flathead	4099	39.	Broadwater	1420
12.	Park	4084	40.	Teton	1398
13.	Sweet Grass	3719	41.	Big Horn	1386
14.	Jefferson	3705	42.	Blaine	1272
15.	Dawson	3581	43.	Garfield	1229
16.	Beaverhead	3566	44.	Stillwater	1059
17.	Lake	3473	45.	Valley	1006
18.	Sanders	3226	46.	Granite	765
19.	Deer Lodge	3223	47.	Pondera	470
20.	Liberty	3164	48.	Daniels	399
21.	Fergus	3140	49.	Wheatland	315
22.	Rosebud	3128	50.	Powder River	313
23.	Powell	3087	51.	Carter	259
24.	Chouteau	2873	52.	Sheridan	110
25.	Prairie	2328	53.	Wibaux	0
26.	Meagher	2327	54.	Petroleum	0
27.	Glacier	2303	55.	McCone	0
28.	Carbon	2166	56.	Golden Valley	0

In Montana, 11 counties have been selected for consideration as high crime incidence/law enforcement activity areas. The designation of these counties as high crime areas is based on data collected by the Crime Control Division from law enforcement agencies throughout the state.

Table A-11
High Crime Incidence Areas--Index Crimes

County	Crime Rate	Person Crime	Property Crime	Total Crime	Total County Population	Total County Sq.Miles	Pop. Density
1. Yellowstone	7011.	259	6465	6724	95,913	2666	36.0
2. Cascade	6881.	244	5656	5900	85,742	2673	35.9
3. Missoula	6044.	249	3667	3916	64,790	2624	24.7
4. Roosevelt	5524.	169	421	590	10,680	2399	4.5
5. Lewis & Clark	5498.	42	1971	2013	36,616	3513	10.4
6. Lincoln	5159.	67	825	892	17,291	3728	6.3
7. Silver Bow	4725.	127	1949	2076	43,939	716	61.4
8. Hill	4555.	37	783	820	18,003	2946	6.1
9. Custer	4460.	13	545	558	12,510	3775	3.3
10. Gallatin	4438.	27	1598	1625	36,616	2540	14.4
11. Flathead	4099.	67	1709	1776	43,329	5280	8.2
State Total	4435.	1987 65.5% of State Total	31187 82% of State Total	33174 81% of State Total	748,000 62.29% of State Total	146,869 20% of State Total	5.1

The top three high crime areas have greater population densities than the other high crime areas, with the exception of Silver Bow County. In the three highest crime areas, much of the crime is occurring in and around the major population centers of Billings (Yellowstone County), Great Falls (Cascade County), and Missoula (Missoula County).

Table A-12
High Crime Counties
Clearances - 1975

	Total 7 Major Offenses	Cleared By Arrest	% Cleared By Arrest
High Crime Counties	26,890	6,922	25.7
State Total	33,174	9,065	27.3

Table A-13
High Crime Counties
Crime Patterns Per Square Mile

	Square Miles	Crimes Per Square Mile
Total Crime (26,890)	30,460	.88
Person Crime(1301)	30,460	.04
Property Crime(25,589)	30,460	.84

Illustration A-6

CRIME TREND ANALYSIS

Eleven High Crime Counties - 1975

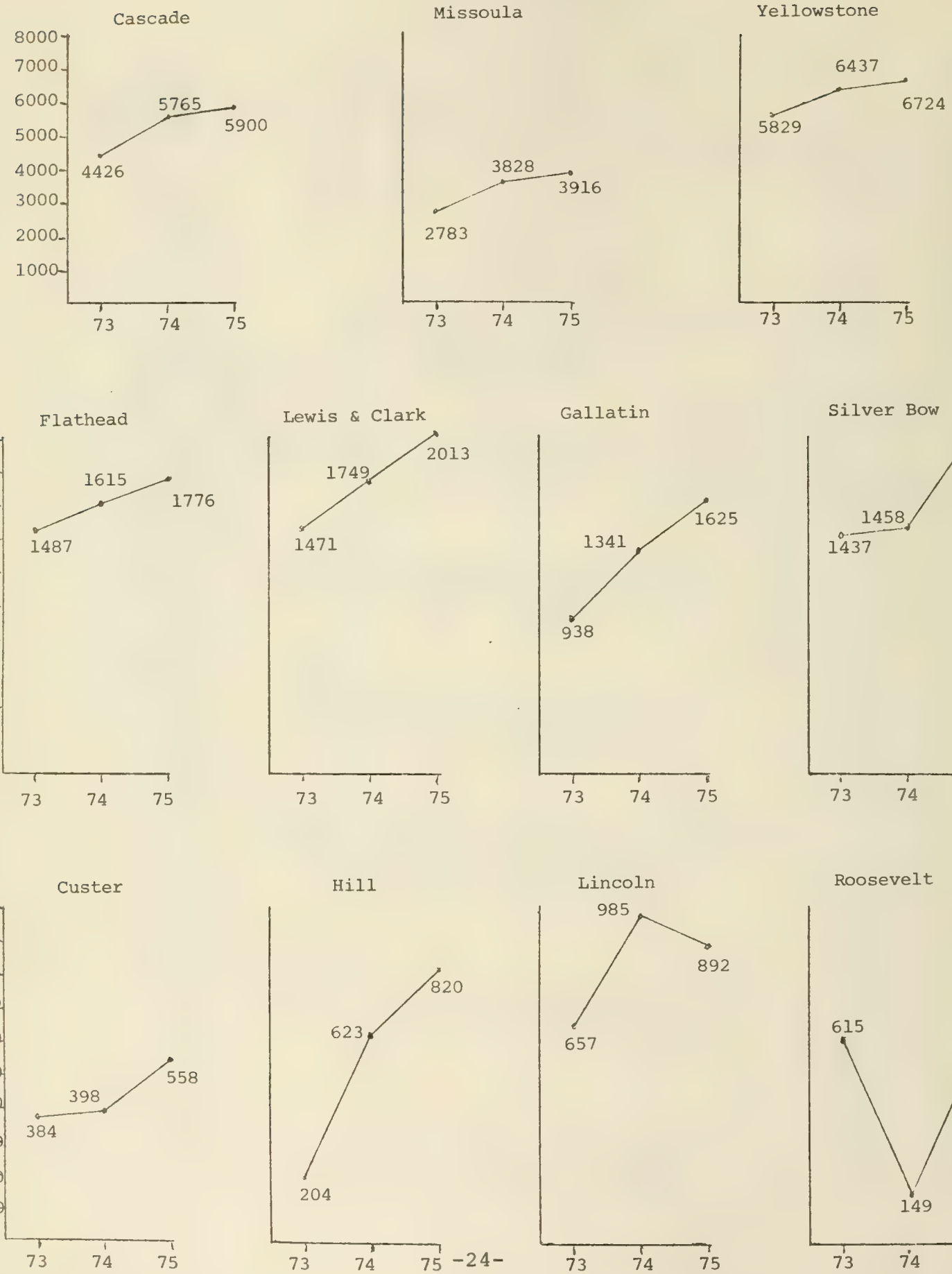
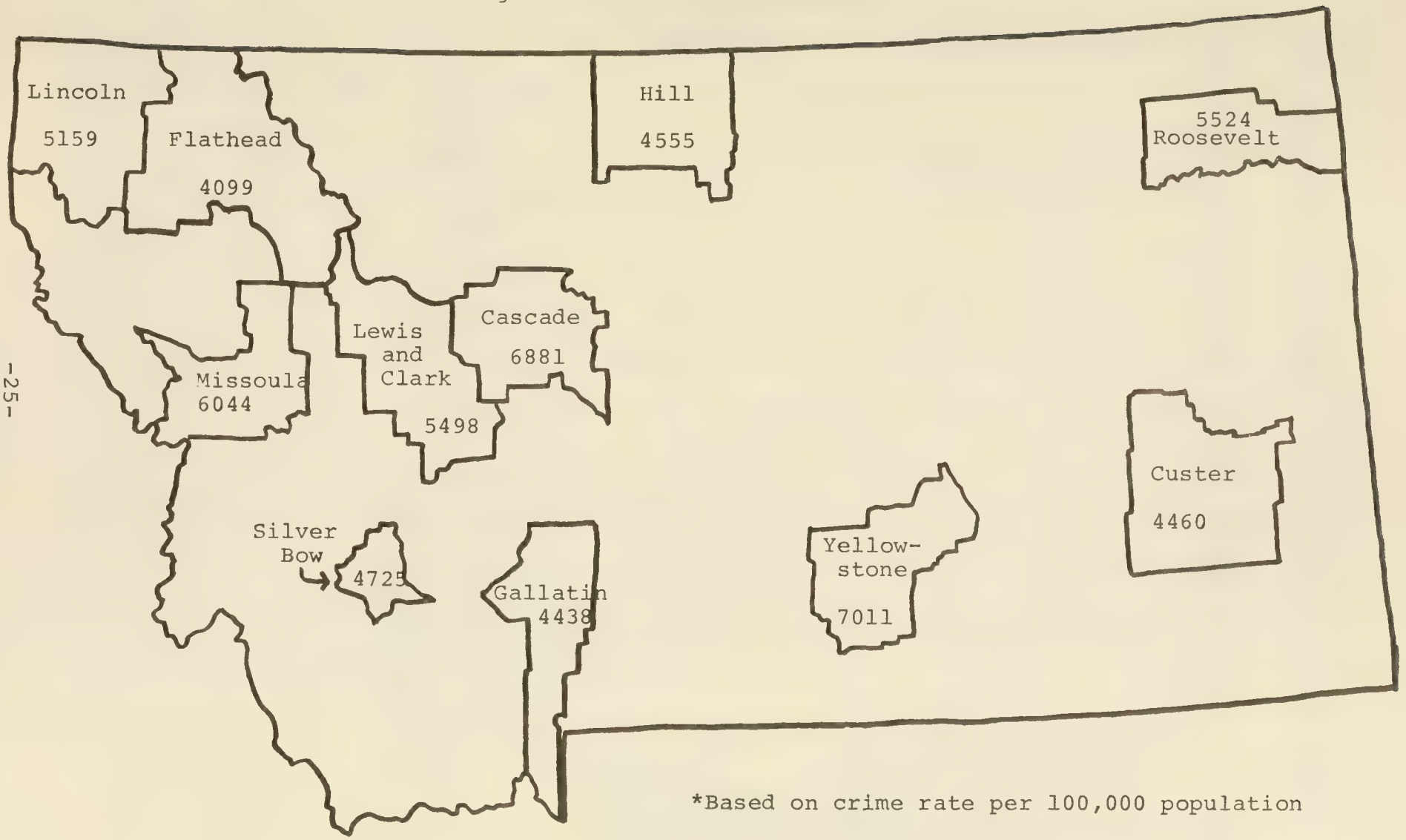


Illustration A-7
Montana
High Crime Incidence Areas*



*Based on crime rate per 100,000 population

Table A-14

CRIMINAL JUSTICE EXPENDITURES, High Crime Incidence Areas
FY 1974 Dollars Per Capita

County	Sheriff	Police*	Cnty. Attorney	Dist. Court	Total*
Yellowstone	5		2	2	9
Billings		23.2			32.2
Cascade	3		1	2	6
Gt. Falls		19.6			29.6
Missoula	8		2	2	12
Missoula		24.1			36.1
Roosevelt	8		2	3	13
Wolf Point		18.2			31.2
Lewis & Clark	6		1	3	10
Helena		16.1			20.1
Lincoln	8		1	3	12
Libby		35.61			47.61
Silver Bow	6		2	3	11
Butte		34.04			45.04
Hill	4		1	2	7
Havre		16.38			23.38
Custer	4		2	4	10
Miles City		19.75			29.75
Gallatin	5		1	3	9
Bozeman		20.18			29.18
Flathead	7		2	4	13
Kalispell		29.66			42.66

*Expenditures for police were based on FY 1975 data.

The first total in each column is indicative of per capita expenditures for a county resident not living outside the city; the second total indicates the per capita expenditure for criminal justice of a city/county resident.

Table A-15

PERSONNEL

Department County/City	Sworn* Officers	Population	Ratio/1000	Non-sworn Personnel	Juv. Officers	Vehicles	Motorcycles
Yellowstone Billings	33 98	95913	1.37	22 19	2 0	15 20	0 6
Cascade Gt. Falls	31 60	85742	1.06	11 29	0 3	11 25	0 5
Missoula Missoula	37 49	64790	1.33	14 14	4 3	13 10	0 0
Roosevelt Wolf Point	3 4	10680	.66	4 1	0 0	3 2	0 0
Lewis & Clark Helena	21 27	36616	1.31	2 8	0 1	10 7	0 1
Lincoln Libby	11 7	17291	1.04	9 3	0 0	9 2	0 0
Silver Bow Butte	26 30	43939	1.27	4 13	1 0	8 7	0 2
Hill Havre	4 15	18003	1.06	2 5	0 0	3 3	
Custer Miles City	2 14	12510	1.28	2 2	0 0	4 3	0 0
Gallatin Bozeman	18 23	36616	1.12	6 4	0 0	8 8	0
Flathead Kalispell	26 19	43329	1.04	6 8	0 1	4 4	0

*Does not include 2 top administrators

Table A-16

COMMUNICATIONS

Department County/City	Base	Mobiles	"Walkie-Talkies"	LETS	Hot Line	OCD Network
Yellowstone Billings	Yes Yes	22 35	6 7	Yes Yes	No No	Yes Yes
Cascade Gt. Falls	Yes Yes	45 24	17 22	Yes Yes	Yes Yes	Yes No
Missoula Missoula	Yes Yes	26 21	13 8	Yes Yes	No No	No Yes
Roosevelt Wolf Point	Yes No	5 2	2 1	Yes No	No Yes	Yes No
Lewis & Clark Helena	Yes Yes	10 14	2 4	Yes Yes	No Yes	No Yes
Lincoln Libby	Yes Yes	14 2	2 3	Yes No	No No	No No
Silver Bow Butte	Yes Yes	8 7	3 8	Yes Yes	Yes Yes	No No
Hill Havre	Yes Yes	3 3	3 6	Yes Yes	No No	No Yes
Custer Miles City	Yes Yes	4 3	1 3	No Yes	No No	No Yes
Gallatin Bozeman	2 Yes	7 8	3 16	Yes Yes	Yes No	Yes No
Flathead Kalispell	2 Yes	25 15	6 4	Yes Yes	No No	Yes No

Table A-17

ENTRANCE REQUIREMENTS

Department County/City	Minimum Age	Maximum Age	Physical Required	Educational Minimum	Residency Required
Yellowstone	21	35	Yes	12 yrs	6 mo
Billings	21	35	Yes	12 yrs	No
Cascade	21	40	Yes	12 yrs	6 mo
Gt. Falls	20	40	Yes	12 yrs	No
Missoula	21	None	Yes	12 yrs	No
Missoula	20	40	Yes	12 yrs	No
Roosevelt	18	None	No	12 yrs	No
Wolf Point	19	None	Yes	12 yrs	No
Lewis & Clark	20	40	Yes	12 yrs	1 yr
Helena	21	35	Yes	12 yrs	No
Lincoln	20	40	No	12 yrs	1 yr
Libby	21	35	Yes	12 yrs	No
Silver Bow	21	35	Yes	12 yrs	6 mo
Butte	20	40	Yes	12 yrs	1 yr
Hill	18	35	Yes	12 yrs	No
Havre	20	40	Yes	12 yrs	No
Custer	21	None	No	12 yrs	No
Miles City	21	35	Yes	12 yrs	6 mo
Gallatin	18	None	Yes	12 yrs	Yes
Bozeman	20	35	Yes	12 yrs	No
Flathead	21	None	No	12 yrs	1 yr
Kalispell	21	35	Yes	12 yrs	6 mo

Table A-18

EDUCATION AND TRAINING

Department County/City	Training Officer	Training Program	# present officers that have attended MLEA
Yellowstone Billings	Yes Yes	Yes Yes	30 98
Cascade Gt. Falls	Yes Yes	Yes Yes	All 35
Missoula Missoula	Yes Yes	Yes Yes	21 All
Roosevelt Wolf Point	No No	No No	4 3
Lewis & Clark Helena	Yes No	Yes No	19 20
Lincoln Libby	No Yes	Yes Yes	8 6
Silver Bow Butte	Yes Yes	Yes Yes	16 All
Hill Havre	Yes Yes	Yes No	4 15
Custer Miles City	No Yes	No Yes	3 12
Gallatin Bozeman	Yes Yes	Yes Yes	18 All
Flathead Kalispell	No Yes	No Yes	20 19

In order to provide more insight into the capabilities of law enforcement in a high crime area, one area was selected for a more in-depth review of its manpower situation. Yellowstone County/City of Billings was selected as the area having the highest crime rate and the coinciding largest population in the state.

Yellowstone County Sheriff

The Yellowstone County Sheriff's Office serves a population of 28,309 outside Billings and provides supplemental law enforcement to the total county population of 95,913 (estimated). This population is policed by 35 sworn officers including the sheriff and undersheriff. During FY 75-76 the sheriff's office expended $769,274.33 for law enforcement purposes. The projected budget for FY 76-77 is $985,323.25. The County Jail is staffed by 11 non-sworn personnel and is utilized by both the city and the county. The budget for FY 75-76 is shown in table A-19.

The number of sworn personnel by assignment is as follows:

Administration	4
Jail	0
Patrol	21
Traffic	0
Juvenile	2
Vice & Narcotics	1
Community Relations	0
Detectives	5
I.D. & Records	0
Dispatch	0
Other	2

Employment qualifications promulgated by the Peace Officers Standards and Training Council are used for new hires. The sheriff's office currently has one unfilled position for a sworn officer and are projecting seven new hires in the next year.

A new deputy sheriff receives a starting salary of $949 per month, while the average salary of full-time sworn personnel is $1,100 per month. The sheriff's office employed five new sworn officers and seven civilian employees during the past year.

During the past year five sworn officers left the department, four by resignation and one by dismissal. One officer went to another law enforcement agency and four sought employment outside the criminal justice system.

A profile of a sworn officer in the Yellowstone County Sheriff's Office shows he or she has an average age of 32, has an average length of service as a full-time officer of five years, and has received some education beyond high school with an average educational level of 13 years of formal education.

Table A-19

Budget Breakout, FY 1975-76, Yellowstone County Sheriff

Total Salaries	
Sworn Personnel	$513,450.00
Non-Sworn Personnel	$119,871.00
Jail Budget (Less Personnel Above)	$ 59,000.00
Vehicles	$ 9,000.00
Maintenance (Gas & Oil)	$ 40,000.00
Other Expenses	
Management & Operations	$ 35,500.00
Misc. Capital Outlay	$ 6,270.00
Total	$783,091.00

In order to maintain the proficiency of its officers, the department has a training officer and an in-service training program. All new officers are sent to the Montana Law Enforcement Academy for basic training. Three of the sworn officers are in attendance at a college or university.

Billings Police Department

The Billings Police Department provides police service to the city of Billings, with an estimated population within its jurisdiction of 67,604 people. The Police Department has a contingent of 100 sworn officers including the chief and assistant chief.

During FY 75-76 the police department expended $1,708,795.71 in the performance of its police function. The department has an anticipated budget for FY 76-77 of $1,915,746.70. Table A-20 shows a breakout of the FY 75-76 budget (not expenditures).

Table A-20

Budget Breakout, FY 1975-76, Billings Police Department

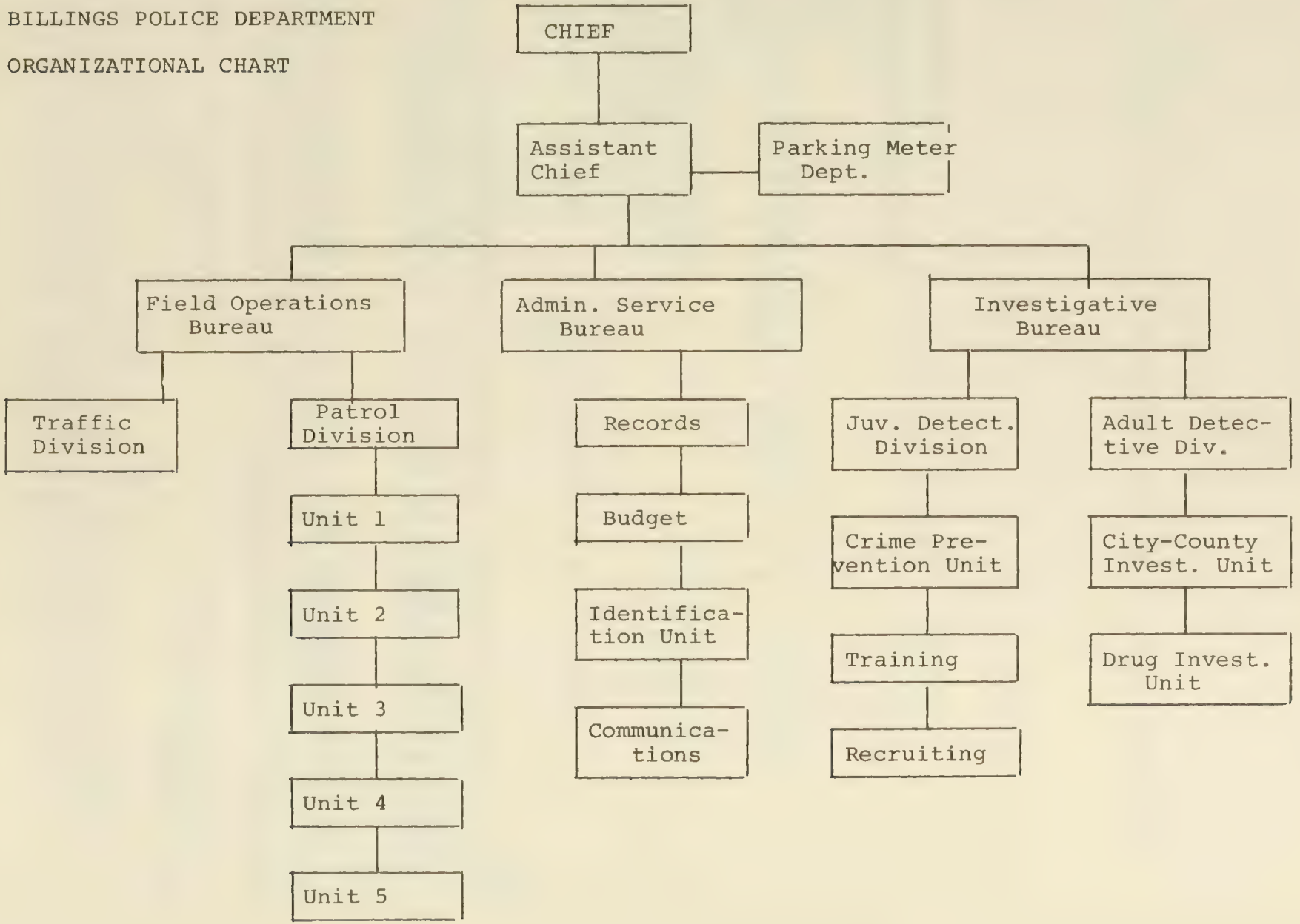
Total Salaries	
Sworn Personnel	$1,280,460.00
Non-Sworn Personnel	$ 158,226.00
Employee Benefits	$ 220,357.00
Training	$ 2,968.00
Pistol Range, Ammunition & Supplies	$ 3,500.00
School and Travel	$ 5,000.00
Uniforms	$ 18,500.00
Management & Operations	$ 74,776.00
Miscellaneous	$ 2,458.00
Total	$1,766,245.00

Illustration A-8 is a representation of the Billings Police Department's organization.

Illustration A-8

BILLINGS POLICE DEPARTMENT

ORGANIZATIONAL CHART



The sworn officers of the Billings Police Department are deployed as follows:

Administration	5
Patrol	62
Traffic	6
Juvenile	7
Vice & Narcotics	0
Community Relations	2
Detectives	10
I.D. & Records	0
Dispatch	0
Other	0

Qualifications as promulgated by the Peace Officers Standards and Training Council are used for new hires. During the past year the police department employed four new sworn officers and three civilian employees. The department anticipates hiring 10 new sworn officers during the next year.

A new officer receives a starting salary of $773 per month while the average salary for a sworn officer is $950 per month.

A profile of a sworn officer in the Billings Police Department shows he or she is an average age of 26, has an average length of service as a sworn officer of eight years, and has received some formal education beyond high school with an average educational level of 13 years.

The Billings Police Department has a training officer and an in-service training program. All of the sworn officers have received 40 or more hours of in-service training during the past year and all have completed their basic training at the Montana Law Enforcement Academy. Eleven of the officers are attending a college or university.

During the past year, two sworn officers resigned their positions, five retired, two were disabled, and one was dismissed. The two officers who resigned sought employment outside the criminal justice system.

The Billings Police Department is in the process of developing a computerized information system which will be utilized by both the police department and sheriff's office. The system may eventually be available to other police agencies in the region.

This and the following 22 pages contain demographic data in table form for the 11 high crime counties. The data covers population change and type, age and sex distribution, employment status, incomes, and minority population.

YELLOWSTONE

Table A-21

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
79016	87367	+10.6	91978	+5.2	+1.06	+1.7

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
82.7	86.6	6.0	4.7	11.3	8.6

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	7060	8.0	28187	32.2	27793	31.8	17255	19.7	7064	8.0

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.0	4.0	16.0	16.1	15.2	16.2	9.7	10.0	3.4	4.5

Table A-22

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total Number	Male Number	Male % of Total	Female Number	Female % of Total
Count	59196	28111	47.5%	31085	52.5%
Labor Force	35170	22038	62.7%	13132	37.3%
Civilian Labor Force	34996	21864	62.5%	13132	37.5%
Employed	32966	20747	62.9%	12219	37.1%
Unemployed	2030	1117	55.0%	913	45.0%
Not in Labor Force	24026	6073	25.3%	17953	74.7%
Enrolled in School	4968	2254	45.4%	2714	54.6%

Table A-23

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1614	1945	2855	3581	6150	8966

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
4845	33.6	2681	13.5	1964	9.0

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
480	3.3	3118	15.7	9139	42.0

Table A-24

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
73418	81804	+11.4	86500	+5.7	+1.1	+1.90

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
78.5	86.7	4.7	4.1	16.8	8.9

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	7295	8.9	26035	31.8	27749	33.9	14252	14.7	6473	7.9

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.5	4.3	16.0	15.8	17.3	16.5	8.6	8.7	3.5	4.1

Table A-25

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total Number	Male Number	Male % Of Total	Female Number	Female % Of Total
Count	54222	26845	49.5%	27377	50.5%
Labor Force	32804	21796	66.4%	11008	33.6%
Civilian Labor Force	28101	17160	61.1%	10941	38.9%
Employed	26271	16232	61.8%	10039	38.2%
Unemployed	1830	928	50.7%	902	49.3%
Not in Labor Force	21418	5049	23.6%	16369	76.4%
Enrolled in School	3285	1443	43.9%	1842	56.1%

Table A-26

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1819	1933	2864	3714	6032	8955

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
3940	29.5	2590	14.2	1690	8.3

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
650	4.8	2553	14.0	8550	42.3

MISSOULA

Table A-27

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
44663	58263	+30.5	60856	+4.4	+3.05	+1.47

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
69.2	74.7	3.5	1.6	27.3	23.7

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	&
	4851	8.3	18039	31.0	20929	35.9	9934	17.0	4510	7.7

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.2	4.0	15.5	15.4	18.4	17.5	8.3	8.6	3.4	4.2

Table A-28

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total Number	------Male----- Number	% Of Total	-----Female------ Number	% Of Total
Count	40575	20228	49.9%	20347	50.1%
Labor Force	23168	14573	62.9%	8595	37.1%
Civilian Labor Force	23104	14513	62.8%	8591	37.2%
Employed	21349	13463	63.1%	7886	36.9%
Unemployed	1755	1050	59.8%	705	40.2%
Not in Labor Force	17407	5655	32.5%	11752	67.5%
Enrolled in School	5599	3312	59.2%	2287	40.8%

MISSOULA

Table A-29

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1541	1818	2999	3284	5769	9066

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
3610	40.3	1805	16.4	1365	9.5

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
195	2.1	1376	12.5	6087	42.6

Table A-30

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
11731	10365	-11.6	10575	+2.0	-1.1	+.6

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
30.6	29.9	20.6	20.7	48.5	49.2

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	939	9.0	3687	35.5	2719	26.2	2028	19.5	992	9.5

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.5	4.5	18.0	17.5	12.6	13.5	9.9	9.6	4.6	4.9

Table A-31

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total Number	------Male------ Number	% Of Total	-----Female----- Number	% Of Total
Count	6540	3186	48.7%	3354	51.3%
Labor Force	3517	2203	62.6%	1314	37.4%
Civilian Labor Force	3506	2192	62.5%	1314	37.5%
Employed	3196	1967	61.5%	1229	38.5%
Unemployed	310	225	72.6%	85	27.4%
Not in Labor Force	3023	983	32.5%	2040	67.5%
Enrolled in School	480	261	54.4%	219	45.6%

Table A-32

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1331	1304	2261	2742	4562	7955

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
1020	62.0	78.2	30.7	329	13.8

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
85	4.3	219	8.6	849	35.7

Table A-33

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
28006	33281	+18.8	34816	+4.61	1.88	+1.53

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
72.2	68.3	5.4	5.9	22.3	25.8

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	2777	8.3	10441	31.3	9770	29.3	6995	21.0	3298	9.9

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.2	4.0	15.5	15.8	14.0	15.3	10.3	10.7	4.2	5.6

Table A-34

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total	------Male------		-----Female------	
	Number	Number	% Of Total	Number	% Of Total
Count	22777	10812	47.5%	11965	52.5%
Labor Force	14751	8586	58.2%	6165	41.8%
Civilian Labor Force	14710	8545	58.1%	6165	41.9%
Employed	13989	8108	48.0%	5881	42.0%
Unemployed	721	437	60.6%	284	39.4%
Not in Labor Force	8026	2226	27.7%	5800	72.3%
Enrolled in School	1347	654	48.6%	693	51.4%

Table A-35

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1803	2029	3261	3830	6461	10277

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
1690	28.7	869	12.3	557	6.8

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
245	4.1	1244	17.6	4180	51.3

LINCOLN

Table A-36

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
12537	18063	+44.1	17957	-.5	+4.41	-.17

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
22.6	18.2	6.6	5.5	70.8	76.1

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	1750	9.7	6151	34.7	5779	31.9	3395	18.7	988	5.5

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	5.0	4.6	17.3	16.7	16.2	15.7	10.1	8.6	2.8	2.6

Table A-37

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Number	-----Male------ Number	% Of Total	------Female------ Number	% Of Total
Count	11639	6015	51.7%	5624	48.3%
Labor Force	6706	5004	74.6%	1702	25.4%
Civilian Labor Force	6697	4995	74.6%	1702	25.4%
Employed	6007	4492	74.8%	1515	25.2%
Unemployed	690	503	72.9%	187	27.1%
Not in Labor Force	4933	1011	20.5%	3922	79.5%
Enrolled in School	689	330	47.9%	359	52.1%

Table A-38

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1008	1568	2899	$3118	5483	9711

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
915	43.5	526	16.8	274	5.9

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
15	.7	260	8.3	2173	47.2

SILVER BOW

Table A-39

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
46454	41981	-9.6	41500	-1.14	-.96	0.38

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
86.4	81.0	.6	.4	13.0	18.3

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	3579	8.5	12718	30.2	10797	25.7	9904	23.5	4983	11.8

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.3	4.1	15.5	14.7	12.5	13.1	11.4	12.1	4.8	7.0

Table A-40
Employment Status by Sex, Sixteen Years Old and Over, 1970

Status		------Male------		------Female-------	
	Number	Number	% Of Total	Number	% Of Total
Count	28664	13606	47.5%	15058	52.5%
Labor Force	15504	9965	64.3%	5539	35.7%
Civilian Labor Force	15483	9944	64.2%	5539	35.8%
Employed	14543	9449	65.0%	5094	35.0%
Unemployed	940	495	52.7%	445	47.3%
Not in Labor Force	13160	3641	27.7%	9519	72.3%
Enrolled in School	1813	945	52.1%	868	47.9%

Table A-41

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1765	1513	2695	3430	5283	8671

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
4115	32.3	2178	18.8	900	8.5

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
230	1.8	1066	9.2	4089	48.2

HILL

Table A-42

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
18653	17358	-6.9	17857	+2.8	-.69	+.93

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
57.6	60.8	15.7	11.6	26.7	27.2

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	1399	8.0	5817	33.5	5204	29.9	3277	18.8	1461	8.4

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.1	3.8	17.5	16.5	15.5	14.9	9.5	9.3	3.7	4.6

Table A-43

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Number	-------Male---- Number	% Of Total	------Female------- Number	% Of Total
Count	11743	5892	50.2%	5851	49.8%
Labor Force	6730	4341	64.5%	2389	35.5%
Civilian Labor Force	6511	4126	63.4%	2385	36.6%
Employed	6233	4008	64.3%	2225	35.7%
Unemployed	278	118	42.4%	160	57.6%
Not in Labor Force	5013	1551	30.9%	3462	69.1%
Enrolled in School	1303	735	56.4%	568	43.6%

Table A-44

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1586	2205	2688	3514	6210	8923

Family Income Less Than $3,000 Annually

1949		1959		1959	
No.	%	No.	%	No.	%
1160	36.5	652	14.7	396	9.5

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
165	5.2	815	18.4	1746	42.1

CUSTER

Table A-45

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
13227	12174	-8.0	11871	-2.4	-.8	-.8

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
73.1	74.1	13.2	11.0	13.7	14.9

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	9167	7.5	3959	32.5	3249	26.6	2500	20.5	1550	12.7

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	3.7	3.7	16.2	16.2	12.8	19.9	10.0	10.4	5.9	6.7

Table A-46

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Number	-------Male----- Number	% Of Total	-------Female----- Number	% Of Total
Count	8240	3986	48.4%	4254	51.6%
Labor Force	4692	2897	61.7%	1795	38.3%
Civilian Labor Force	4684	2893	61.8%	1791	38.2%
Employed	4466	2750	61.6%	1716	38.4%
Unemployed	218	143	65.6%	75	34.4%
Not in Labor Force	3548	1089	30.7%	2459	69.3%
Enrolled in School	588	311	52.9%	277	47.1%

Table A-47

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1592	1653	2803	3301	5160	8373

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
1255	41.0	712	21.9	268	8.8

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
95	3.1	344	10.6	1088	36.0

GALLATIN

Table A-48

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
26045	32505	+24.8	35115	+8.02	+2.48	+2.67

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
51.3	57.4	14.7	10.1	34.0	32.5

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	2415	7.4	10192	31.3	11951	36.7	5329	16.3	2618	8.0

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	3.8	3.5	16.0	15.3	19.5	17.1	8.1	8.2	3.4	4.5

Table A-49
Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Number	------Male------- Number	% Of Total	-------Female----- Number	% Of Total
Count	23865	12288	51.5%	11577	48.5%
Labor Force	12877	8198	63.7%	4679	36.3%
Civilian Labor Force	12828	8154	63.6%	4674	36.4%
Employed	12129	7744	63.8%	4385	36.2%
Unemployed	699	410	58.7%	289	41.3%
Not in Labor Force	10988	4090	37.2%	6898	62.8%
Enrolled in School	4958	2944	59.4%	2014	40.6%

Table A-50

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1524	1618	2730	3263	5360	8833

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
2395	41.9	1344	21.3	605	8.1

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
175	3.0	618	9.8	3035	41.1

FLATHEAD

Table A-51

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
32965	39460	+19.7	41400	+4.6	+1.97	+1.53

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
39.8	41.9	11.1	9.5	49.1	48.6

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	3324	8.4	12905	32.7	11132	28.2	7975	20.2	4124	10.4

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.2	4.1	16.5	16.1	13.6	14.5	10.1	10.0	5.0	5.4

Table A-52

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Number	------Male------ Number	% Of Total	-------Female------ Number	% Of Total
Count	26153	12813	49.0%	13340	51.0%
Labor Force	13725	9299	67.8%	4426	32.2%
Civilian Labor Force	13613	9187	67.5%	4426	32.5%
Employed	12278	8272	67.4%	4006	32.6%
Unemployed	1335	915	68.5%	420	31.5%
Not in Labor Force	12428	3514	28.3%	8914	71.7%
Enrolled in School	1897	962	50.7%	935	49.3%

Table A-53

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
1476	1663	2553	3133	5392	8567

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
3595	44.4	1716	20.0	1096	10.9

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
110	1.3	807	9.4	3647	36.3

Table A-54

MINORITY POPULATION:*

U. S. Census Count of Montana Population, By Race and County - 1970

	All Races	Indian		Other Minority	
County	No.	No.	Pct.	No.	Pct.
Yellowstone	87367	1063	1.2	539	0.6
Cascade	81804	1509	1.8	1517	1.8
Missoula	58263	660	1.1	282	0.5
Roosevelt	10365	3110	30.0	54	0.5
Lewis & Clark	33281	486	1.5	169	0.5
Lincoln	18063	209	1.2	39	0.2
Silver Bow	41983	359	0.9	147	0.3
Hill	17358	1607	9.3	154	0.9
Custer	12174	65	0.5	58	0.5
Gallatin	32505	99	0.3	203	0.6
Flathead	39460	327	0.8	147	0.4
TOTAL	432623	9494	2.2	3309	.76

Note: Other minority includes Negro, Japanese, Chinese, Filipino, and other races, but does not include Spanish-surnamed or Spanish speaking Americans

*Source: Profile of the Montana Native American, August, 1974 for the Office of the Governor

The high crime areas, with the exceptions of Lincoln, Silver Bow, and Custer Counties, are experiencing fairly constant population growth. The mean population percent change in the remaining eight counties is 4.6% for the period 1970 to 1973.

In all the high crime areas (1970 data) except for Roosevelt, Lincoln, and Flathead Counties, the majority of the populations live in the urban areas. In Roosevelt, Lincoln, and Flathead the population is predominantly rural, non-farm. A comparison of rural-farm populations also indicates this population is shrinking.

An examination of 1970 data for age distribution does not indicate any large grouping. In the 5-19 age group there are 138,131 individuals or 39% of the 11-county population. In the 20-44 age group there are 137,072 individuals or 38.7% of the 11-county population. A narrower age span for groups may show some greater indication of a high population age group.

An overview of the 1970 labor force for the 11 counties shows 169,644 individuals classified as being in the labor force with 10,806 unemployed (6.4% unemployment).

Montana does not have any minority group that constitutes any large percentage of the general population. Indians constitute the largest group with only 2.2% of the total population.

CRIME ATTACK TEAMS

The Missoula City/County Crime Attack Team (CAT) is beginning its action phase. To arrive at its present point, much preliminary research was done. A consumer survey provided data on reported and unreported crimes; the CAT unit's people personally interviewed a representative sample of the public, the criminal justice system, and the business community. A working document was produced by means of geocoding criminal and other activity in each neighborhood for each month. An assessment was made of each agency's function and what steps it follows, resulting in an evaluation of present resources and indication as to where to place additional resources.

As the implementation of the crime attack strategy progresses, crime reports will continue to be fed into the information system in order to feed strategies back into the regular prevention network. Displacement of criminal activity into adjacent areas will be carefully monitored.

The Missoula CAT unit was the first to be established. Similar activity is underway in Billings/Yellowstone County and in Great Falls/Cascade County.

PART I - THE MULTI-YEAR PLAN

B. RESOURCES, MANPOWER, ORGANIZATIONAL CAPABILITIES, AND SYSTEMS AVAILABLE TO MEET CRIME PROBLEMS

System Performance Chart

The system performance chart was devised utilizing data available within the SPA. The number of unreported offenses was estimated consistent with the SPA victimization survey.

Due to the time it takes for any one person to pass through the criminal justice system, quantities in the particular sections are only casually related. For instance, while some of those who went to trial in 1975 were also arrested in 1975, some may have been arrested in 1974. When, in the future, several years' data can be compared, it will be known if this factor causes any distortion.

The difference between "Cleared by Arrest" and "Arrests" is due to the commission of multiple offenses by particular offenders. Since the statistics which follow "Arrests" are normally computed on a "per person" basis, arrests were used as the base (100%) for computing all following percentages.

The number of persons shown to have been sentenced to confinement should not be taken as the total new population of the Montana State Prison. A significant proportion of Montana State Prison inmates in any one year are parole or probation violators.

The 2,337 "Disposition Unknown" are cases about which no information is currently available concerning prosecution (or, more properly, non-prosecution) subsequent to arrest.

Montana has many state, county, and municipal law enforcement agencies and supportive resources with varied authority, responsibility, and capability to deal with criminal activity.

Table B-1 shows the ratio of law enforcement personnel per 1,000 population. Totals do not include law enforcement agencies with specialized primary functions.

TABLE B-1
RATIO OF LAW ENFORCEMENT PERSONNEL
PER 1,000 POPULATION
1975-76

		Ratio per 1,000 Population
1976 Montana Population Estimate:	748,000	
Sworn Personnel*	1,073	1.43
Non-sworn Personnel:	327	.44

*totals represent only sheriff and police departments

TABLE B-2
LAW ENFORCEMENT EMPLOYEE TURNOVER 1974
SWORN OFFICERS

DEPARTMENT	TURNOVER RATE
Police	18.0
Sheriff	12.6
Tribal Police	30.4
TOTAL	16.1

The area patrolled by this force is 147,138 square miles, which means there is an average density of one sworn officer per 137.1 square miles.

Since the enforcement complement is spread thin, both formal and informal mutual aid relationships have developed. The map on the following page illustrates the deployment of law enforcement personnel in Montana.

To better depict the state's existing capability to deal with crime and criminals, each of the state and local law enforcement systems and its available supportive resources is examined in detail.

SYSTEM PERFORMANCE CHART

(Illustration B-1)

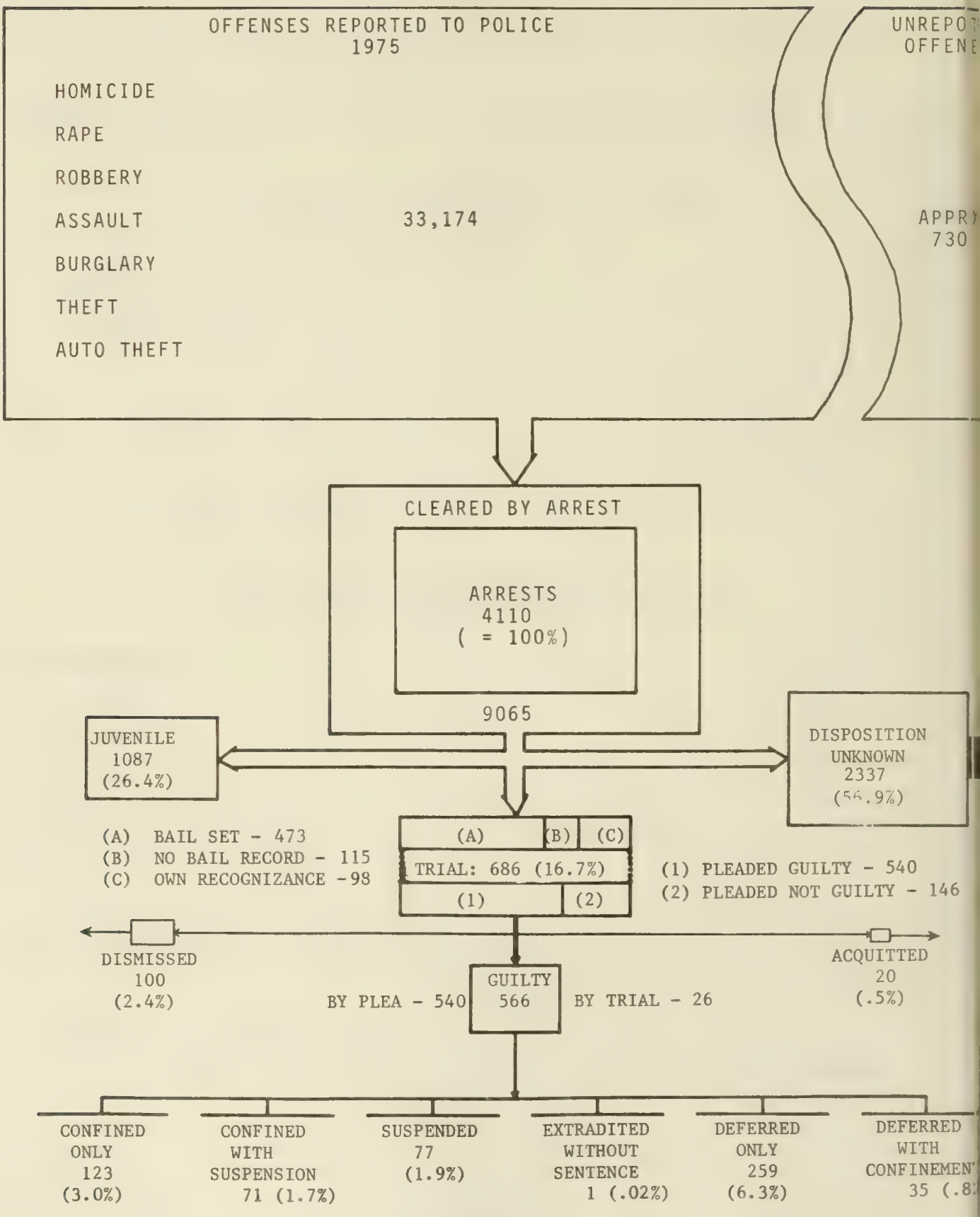


ILLUSTRATION B-2

MINIMUM BOARD OF PRIME CONTRACT

AN ASSESSMENT PERSONNEL PER 100,000 POPULATION

1975

Police

Currently there are 126 incorporated cities and towns in the state, of which 83 maintain an organized police department headed by a chief of police.

According to the latest census estimates, these 83 cities and towns have a combined population of 419,775, representing 56% of the state's total population.

This population is policed by 617 sworn officers at a ratio of 1.47 sworn officers per 1,000 population. These officers have jurisdiction over 247,938 miles of city streets.

In many incorporated cities and towns without an organized police department, a deputy sheriff is assigned to the community to furnish some local law enforcement.

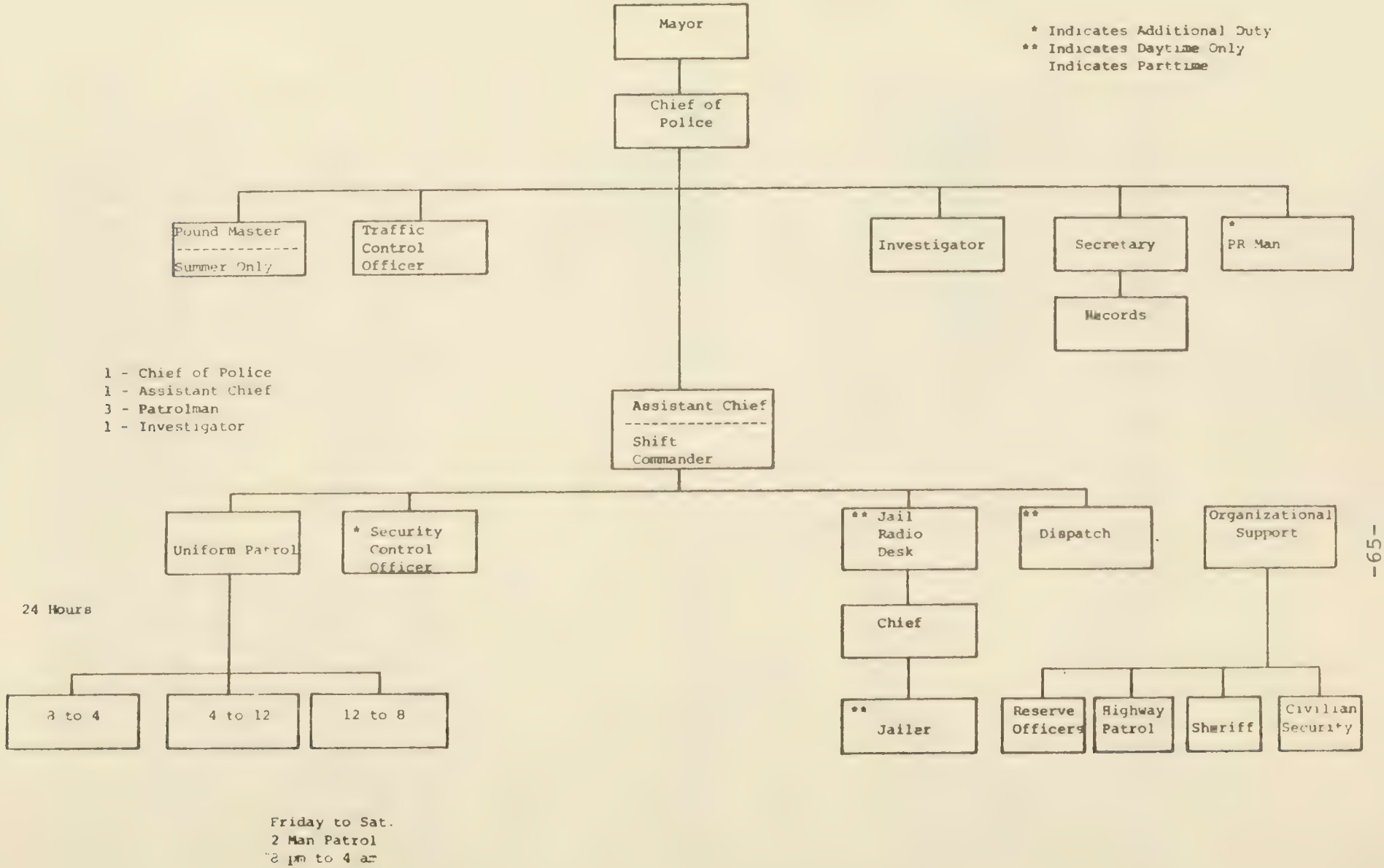
Police departments of first, second, and those third class cities that elect to do so are regulated by the Metropolitan Police Act, a civil service type system that establishes a three-man police commission appointed by the mayor or city manager, who has the authority to appoint officers to the police force and to exercise supervision over the department. In those cities and towns not included under the Metropolitan Police Act, the mayor or city manager has full authority to discharge law enforcement officers with or without cause where the department consists of one or two officers; otherwise, the police commission has the authority.

A police commission has multiple functions, which include:

1) Certifying police applicants;
2) Holding hearings regarding formal charges lodged against police personnel;
3) Examining police officer applicants as to their legal, mental, moral, and physical qualifications;
4) Referring applicants to the mayor or city manager for final approval.

The typical police organization is directed and supervised by a chief of police and ranges in size from one to 100 sworn officers. Illustration B-3 shows the organization of a small department.

Activities vary in quantity and types of service, but include the following functions: prevention and detection of criminal activity, apprehension of suspected offenders, participation in court proceedings, protection of constitutional guarantees, assistance to those who cannot care for themselves or who are in danger of physical harm, traffic control, conflict resolution, creation and maintenance of a feeling of security in the community, promotion and preservation of civil order.



Organization of Hamilton Police Department

ILLUSTRATION B-3

(Hamilton population 3,158)

The following examination of a typical small police department (seven sworn officers) illustrates activity and time utilization characteristics for a routine arrest.

Table B-3
Small Department Time Utilization and Duties

Arrest	Booking
a. field investigation	a. prisoner transport to jail
b. contact with subject (traffic stop or field contact)	b. complete booking documents
	c. subject phone calls
	d. contact judge for bonding
c. interviews and interrogation	e. incarceration of subject
d. arrest of subject	
MINIMUM TIME CONSUMED: 30 MINUTES	MINIMUM TIME CONSUMED: 60 MINUTES
Reports	**Court**
a. investigation reports	a. Courts
b. booking forms	b. court standby
c. interviews and statements	c. final disposition
d. citations	
e. record keeping and filing	
MINIMUM TIME CONSUMED: 2 HOURS	MINIMUM TIME CONSUMED: 2 HOURS

The minimum time consumed on a routine arrest is 5½ hours.

Table B-4
Statewide Police Activities Summary
Average Time Spent on Activities

Activity	Percentage of Time
Patrolling, preserving the peace, domestic disturbances	55.75
Traffic and accident investigation	18.51
Criminal investigation	15.00
Administration	9.12
Other	1.62

Statewide, the estimated budget expenditure of the 83 police departments for the year 1975 was $7,929,618, a per capita expenditure for cities and towns of $18.89.

Constables

Although all townships in the state are required by law to have two constables, there are currently 32 constables in Montana. Jurisdiction is limited to the county in which the township is located. Constables attend justice of the peace courts, and execute and serve all processes and notices directed or delivered to them by the justice of the peace. They are given the same law enforcement powers as the sheriffs, and are a secondary source of law enforcement within the county.

In smaller unincorporated towns having neither a sheriff immediately present nor a police department, the constable is often the only law enforcement officer available. In more heavily populated areas which have both police departments and well-staffed sheriffs' offices, the constable's role in law enforcement is minimal.

No information is available concerning constables' resources and facilities.

Town Marshals

The town marshal has almost ceased to exist in the law enforcement structure of this state. Historically, the town marshal was often the only peace officer available in small towns. Today he has been replaced by a chief of police who acts alone or with one or two additional part-time officers.

The few active town marshals work mostly as night-time fire watchers and door shakers. Most are unsworn and unarmed.

The sworn town marshals are sworn as special deputy sheriffs and work as a secondary source for sheriffs' departments. These people work out of their homes and utilize the resources of the sheriffs' departments for jail facilities, communications, records, etc. There are fewer than five sworn town marshals and fewer than 15 non-sworn town marshals presently active. They are paid out of town funds.

County Agencies

Sheriffs

The sheriffs of Montana are the primary law enforcement officers of their respective counties. With the state's sparse and scattered population, the office assumes an importance in the overall law enforcement picture not found in many other areas of the country.

State law provides that each county (56) shall have as one of its elected officers a sheriff who by statute is directed to:

1) Preserve the peace;
2) Arrest all persons who attempt to commit or have committed a public offense and take same before the nearest magistrate for examination;
3) Prevent and suppress all affrays, breaches of the peace, riots, and insurrections which come to his knowledge;
4) Attend all courts, with the exception of justice of the peace and police courts, at their respective terms or sessions, held within the county, and obey their orders and directions;
5) Furnish bailiff for all district courts;
6) Command the aid of as many male inhabitants of the county as he may think necessary in the execution of his duties;
7) Supervise the county jail and the prisoners therein.

The organizational structure of the various sheriffs' departments varies somewhat according to department size, but generally includes, in addition to the sheriff himself, an undersheriff, in some cases a chief deputy, deputy sheriffs, and civilian office personnel. Illustration B-4 shows the organization of a medium-sized department.

Most facilities (administrative, operational, and custodial) range from ancient to simply old. A few new facilities have been built.

Statewide, the sheriffs' departments operate 255 vehicles with which they must patrol 147,138 square miles. The area contains 748,000 citizens. The roads travelled total 78,488 miles, of which 12,448 are improved and 66,040 unimproved.

The statutory duties mentioned above make up the time percentages shown in Table B-5.

Illustration B-4
Ravalli County Sheriff's Office

(A 12-Man Department)

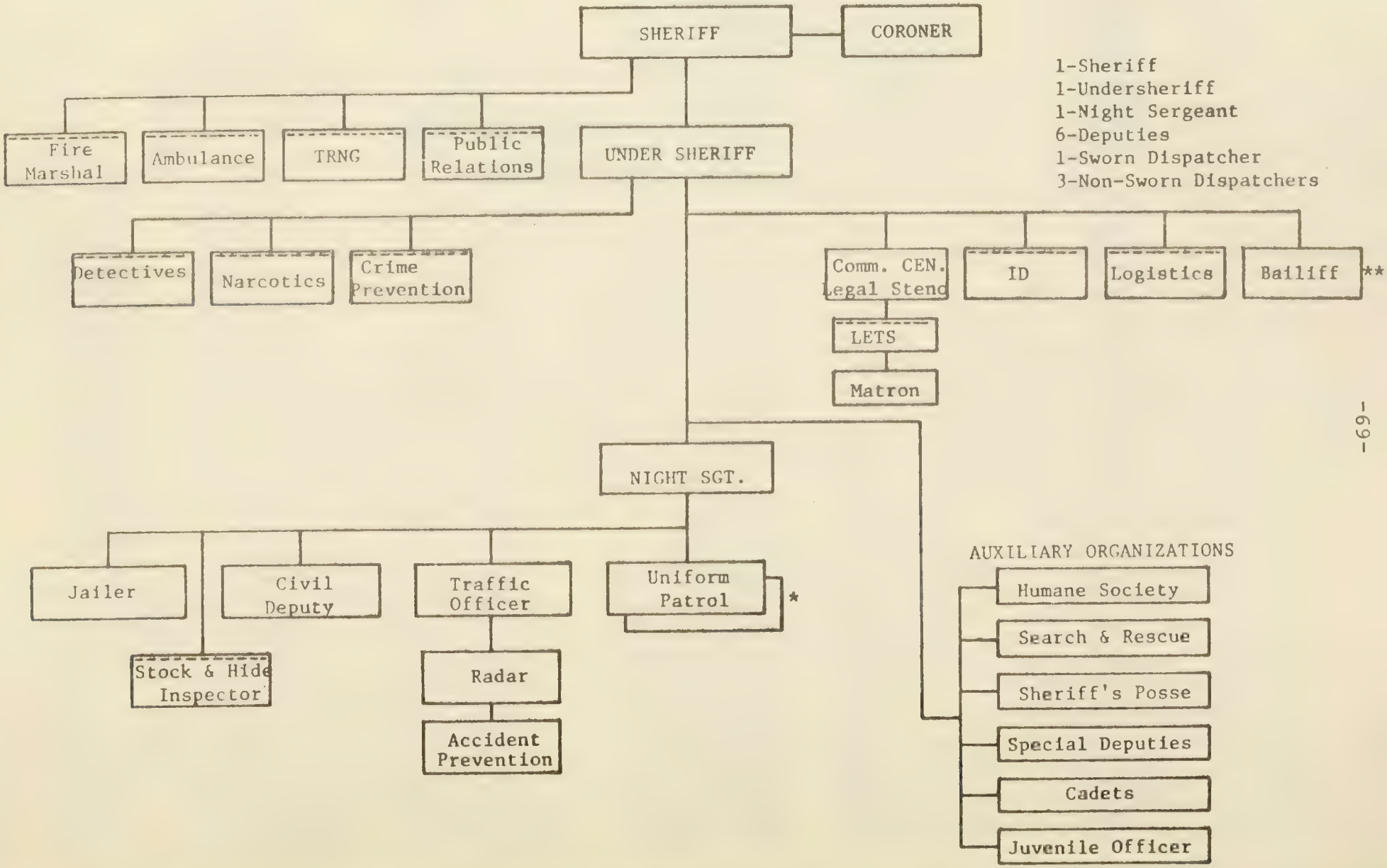


Table B-5
Average Activities Summary
Sheriffs' Departments Statewide

Activity	Percentage of Time
Patrol	34.72
Traffic	10.22
Criminal Investigation	33.48
Administration	14.80
Other	6.78

Additional sheriffs' activities include:

1) Livestock hide and brand inspections, plus slaughter beef stamp certification;
2) Humane officer duties;
3) Rural fire warden duties;
4) Incarceration, care, welfare, hearings, and transporting of the adjudicated insane;
5) Prison furlough and work-release program management and supervision;
6) Search and rescue operations;
7) Fish and game law enforcement;
8) Patrol and protection of public lands;
9) Prisoner extraditions.

The service of process, executions, and other civil papers is another major function of the sheriff's office, requiring many man hours. In some jurisdictions where the civil process duties are large, manpower which should be used in law enforcement activities is diverted to time-consuming civil functions, which causes workload imbalances for the department.

The manpower available to sheriffs' offices to perform these activities in the 56 counties is indicated by the following table.

Table B-6
Sheriffs' Departments Manpower Statewide

Total Sworn Officers	456
Sworn Female Officers	11
Non-sworn Personnel	201

The number of sworn officers in sheriffs' departments ranges from one to 39 and 84% (47) try to provide 24-hour availability of law enforcement with fewer than 10 officers. Thirty-nine percent (22) have fewer than five officers.

The communications equipment used by all sheriffs' departments includes:

Console base radios	54
Mobile radios	348
Portable radios	143
Teletype terminals	26

On a cooperative basis, sheriffs' personnel work closely with police departments within their county jurisdictions and with various state agencies, such as the Fish and Game Department, the Highway Patrol, the Department of Livestock, the Fire Marshal's Bureau, the Investigation, Communications and Identification Division of the Department of Justice, and federal agencies requesting their aid.

Development and maintenance of professional skills and competence are accomplished through training at the Law Enforcement Academy Bureau in Bozeman. An active in-service training program is available within some of the departments. Out-of-state training schools, particularly in specialty areas such as narcotics, juvenile delinquency, photography, polygraph, etc., are available through federal funding.

Canine Academy

The Montana Sheriff and Peace Officers Association K-9 Academy is located near Great Falls and is operated by the Cascade County Sheriff's Office. At the K-9 Academy a dog and officer are trained in the different stages of obedience, tracking, searching, guard, and apprehension work. This training enables the dog to handle the rigors of the daily work of a law enforcement agency in addition to riot situations, search and rescue, and drug and explosives detection.

Dog teams have been used to search for hidden drugs and alcohol, lost or stolen articles, and evidence at the scene of a crime. The dogs have been used to good advantage in disarming potentially dangerous persons, thereby minimizing the possibility of loss of human life, and in finding lost hunters, children, mentally ill persons who wander away from their homes or from hospitals, and dangerous criminals attempting to avoid arrest after committing a crime or escaping from jail or prison.

The training is open to any qualified law enforcement officer, regardless of his place of residence. The basic course is 14 weeks long and refresher courses are available on a weekly basis. Meals and housing for the handler and kennel space and food for the dog are included in the course cost. The school is non-profit. Training is continuous and qualified applicants may enter any time a space is available.

The sheriffs' offices across the state operate with minimal budgets. The total expenditures for all sheriffs' offices in FY 75 was $5,562,038, or a per capita cost in the state for county law enforcement of $7.44 (1976 population 748,000).

Cooperative Arrangements

Cooperative Police Services: An Overview

Cooperative police services, or the partial or complete pooling of police services, is growing in popularity in the United States. The ever-increasing costs of police services are placing great pressure on local governments to economize police operations. Paradoxically, the increasing crime rate and growing fear of crime is also resulting in pressure to increase or improve police services. Obviously when two such antithetical forces confront each other, something must give.

Many communities are finding that cooperative policing arrangements are resulting in improved services with greater economy. The advantages of this form of policing are causing cooperative policing to have a growing number of participants.

Cooperative police service is known by many names. Terms such as regional law enforcement, contract law enforcement, consolidation, and many others are frequently used. Although they are sometimes used interchangeably, each refers to a distinct form of cooperative police service arrangement.

A joint powers police system is created when governmental jurisdictions of an equal level (i.e., two or more counties or two or more cities) combine police services and have one police agency serving the jurisdictions involved. Since each jurisdiction retains its individual identify, there can be great conflict among these jurisdictions in vying for services while attempting to reduce their share of the costs. Thus a formula must be developed to ensure that costs are based upon service and that all involved receive an adequate level of service.

A joint powers system may also cause conflict in levels of service. One community may desire a higher level of service than the other. Thus, some method, usually a contract, must exist to ensure that each community can achieve a level of service at least equal to that which they desire.

Under contractual law enforcement, one governmental entity contracts with another for some or all services. Most often, cities contract from counties, but cities can contract from other cities, and counties can contract from cities. City-county arrangements calling for complete services from one agency, however, may be prohibited, or at least inhibited, by local or state laws. Usually, though, some services such as dispatching or jails can be contracted for in the latter cases.

County-city contractual law enforcement is well established and proven. Many sound methods for determining the contract rate and level of service exist.

The type of cooperative law enforcement arrangement selected is highly individual. Each community involved must not only determine if it will implement cooperative police services, but also make the type and extent of cooperative police services. In making that determination, a number of factors must be considered; legal constraints, proficiency of involved agencies, public support, and political considerations.

Montana Laws Governing Cooperative Police Services

Montana has several laws that facilitate the ease with which local government can create various forms of cooperative police services. Three specific forms of cooperative police services permitted under current Montana law should be considered if local governments are interested in cooperative police services:

(1) Special districts - The State should conduct a comprehensive review of statutes and the Constitution to determine if police districts can be created and how the powers should be limited.

(2) Department of Public Safety - Section 16-2726, RCM, provides for the creation of a department of public safety on agreement of the legislative body of a city or town with the county commissioners. First and second class counties are exempted from this option.

(3) Interlocal Agreements - Section 16-4904, RCM, provides for interlocal agreements. Under this section, it appears that any form of contract police service is legally obtainable.

Since the inauguration of the local government study commissions, considerable interest has been generated in the possibilities of combined law enforcement services. Many of the local government study commissions are proposing such changes to their local electorates.

The State of Montana has had a direct role in providing some cooperative police services: The Department of Justice administers the Law Enforcement Academy Bureau in Bozeman where almost all in-service training is conducted for county and municipal agencies. Crime Laboratory services are provided through the Department of Justice. The Law Enforcement Teletype System, Identification Bureau, Criminal Investigation Bureau, and traffic enforcement on the highways are also provided through the Department of Justice.

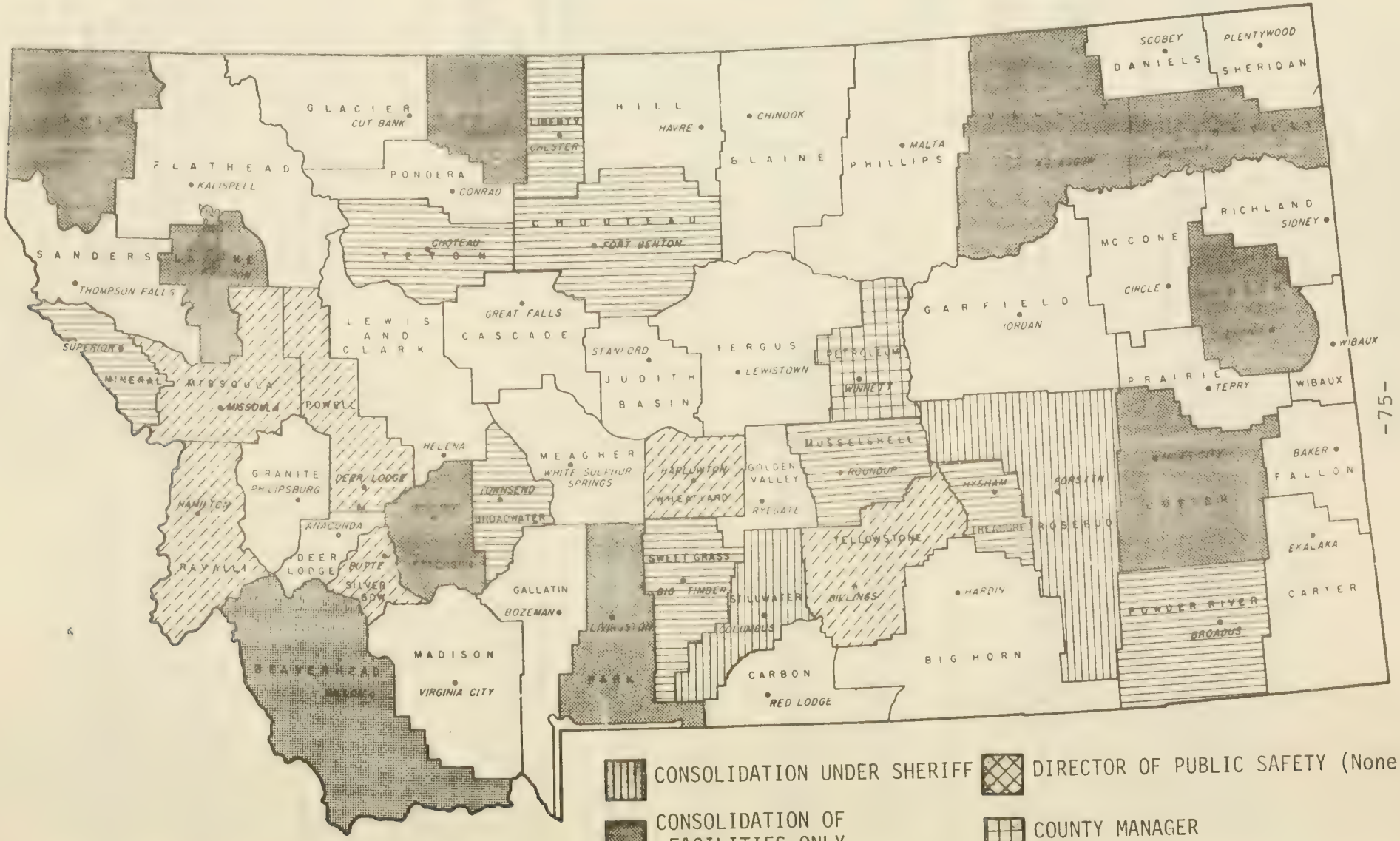
Funding incentives are offered through the Annual Action Programs and technical assistance is provided to those jurisdictions requesting cooperative law enforcement information by SPA personnel and/or LEAA contract consultants.

Park County - Livingston was provided a professional consolidation consultant by LEAA through a contract with Public Administration Service. An on-site survey was conducted and a comprehensive report was developed by the consultant that covered that specific consolidation and a general appraisal of Montana's possibilities and limitations regarding consolidated law enforcement services. That report, along with other literature and materials on the subject, is supplied to those interested jurisdictions considering consolidation.

Illustration B-5 shows the extent of cooperative police services that are currently active in the state.

ILLUSTRATION B-5

LAW ENFORCEMENT CONSOLIDATION EFFORTS IN MONTANA



Campus Police

Campus police are designated as peace officers by statute and are permitted to bear firearms. However, their authority is limited to their respective campuses. For institution-related activities, this authority is extended to one mile beyond the campus boundaries. Authority is further extended to include other grounds or property owned, operated, controlled, or administered by the regents or any unit of the state university system.

Activities include routine patrol, traffic and crowd control, preliminary investigation, and various security-oriented activities.

Three of the six units in the state university system maintain security departments or security capabilities.

Montana State University

The campus security force of Montana State University in Bozeman consists of a chief of police, five patrolmen, three sergeants, a secretary, and a traffic maid.

Activities include handling of parking and traffic, family disturbances in married student housing areas, misuse of alcoholic beverages, and some drug abuse offenses.

Students are used as monitors in campus buildings after regular business hours.

Because the campus police department operates only from 8:00 a.m. to 5:00 p.m., the Bozeman Police Department provides security from 5:00 p.m. to 8:00 a.m.

Equipment utilized in the operation includes three patrol vehicles with mobile radios, one base radio station, and six portable radios.

University of Montana

The University maintains an 18-man campus police force including a chief of police, nine patrolmen, two dispatchers, and six centrex operators.

Department functions and activities include parking and traffic control, disturbance calls, etc. Their workload resembles that of an agency in a community of 10,000. Drug abuse cases are steadily decreasing as an investigative activity.

Equipment utilized in the department operations includes two marked patrol cars with mobile radios, one unmarked patrol car, five portable radios, one base station, and one video camera and recorder.

Cooperative and mutual aid arrangements exist among the campus police and the Missoula Police Department, the Missoula County Sheriff's Department, and the Federal Bureau of Investigation.

All campus patrolmen have completed the basic law enforcement course at the Law Enforcement Academy in Bozeman. Several officers have attended advanced and specialized courses at the Academy.

Eastern Montana College

Eastern Montana College, located in Montana's largest urban area, Billings, maintains a security department manned by a chief of security, five patrolmen, and one dispatcher.

Department workloads consist of buildings and grounds security patrols, vandalism investigations, family disturbance calls, alcohol and drug abuse cases, and the constant problem of parking and traffic control.

Equipment utilized includes one radio-equipped patrol vehicle, one Cushman motorcycle, and one base radio station.

Most of the security force has attended the basic and specialized courses at the Law Enforcement Academy and also received in-service training conducted by the chief.

Patrol is operated 24 hours a day in cooperation with the Billings Police Department.

Western Montana College

Located in Dillon, Western Montana College operates a part-time security force of a chief of security, one assistant chief, and two night watchmen.

The chief of security is a retired Montana Highway Patrol officer who has attended numerous training seminars in his professional career.

Primarily, the security force handles crowd control at athletic events and performs night watch duties. Any other questionable activity occurring on campus is handled by the local sheriff department.

Equipment consists of two portable radios.

Department of Justice

The largest state agency dedicated to law enforcement is the Department of Justice, which has 440 full-time and 27 part-time employees. The department provides direct and supportive services statewide to the law enforcement effort.

The Department of Justice, formerly the Department of Law Enforcement and Public Safety, was created by the Executive Reorganization Act of 1971. Through amendments to the Act in 1973, it received its present name and function.

The department, under the direction of the Attorney General, operates and administers law enforcement functions and supportive resources as shown in Illustration B-6.

Highway Patrol Bureau

The Highway Patrol is under the administrative control of the Department of Justice and is supervised by a bureau chief appointed by the Attorney General.

The Highway Patrol employs 220 uniformed officers and 74 full-time civilian employees. General headquarters are in Helena.

Six field divisions are located in Missoula, Great Falls, Lewistown, Glendive, Butte, and Billings, as shown in Illustration B-7 . Each division is composed of two or more districts, depending on manpower. A seventh division, for driver licensing and examination, is located in Helena.

District offices are maintained only in areas where supplemental storage area is needed because distance renders central storage impractical.

Currently, there are 220 marked patrol vehicles, 10 unmarked patrol vehicles, and one panel wagon. The patrol also uses 158 radar sets of various makes and models.

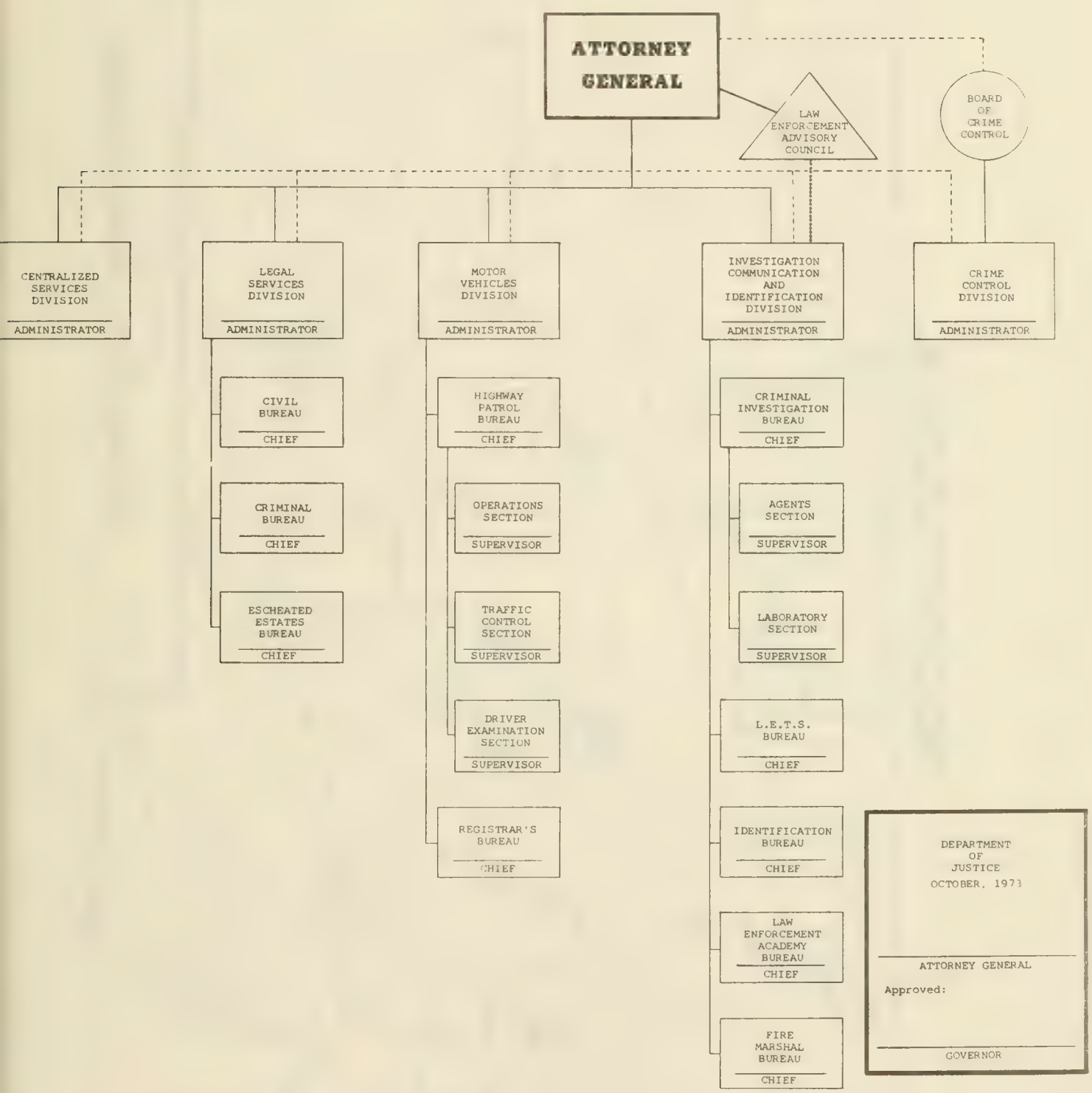
The Highway Patrol has jurisdiction over 42,000 miles of roads. This is an average patrol distance of 190 miles per patrolman.

Although the patrol is principally traffic oriented, it has arrest authority for major crimes. (See table B-7) Patrolmen are ex-officio fire wardens, game wardens, and stock inspectors.

Because of the patrol's mobility and statewide jurisdiction, it assists county and city law enforcement agencies in establishing roadblocks for the apprehension of fugitives and in transporting prisoners arrested at these roadblocks.

ILLUSTRATION B-6

ORGANIZATION OF DEPARTMENT OF JUSTICE



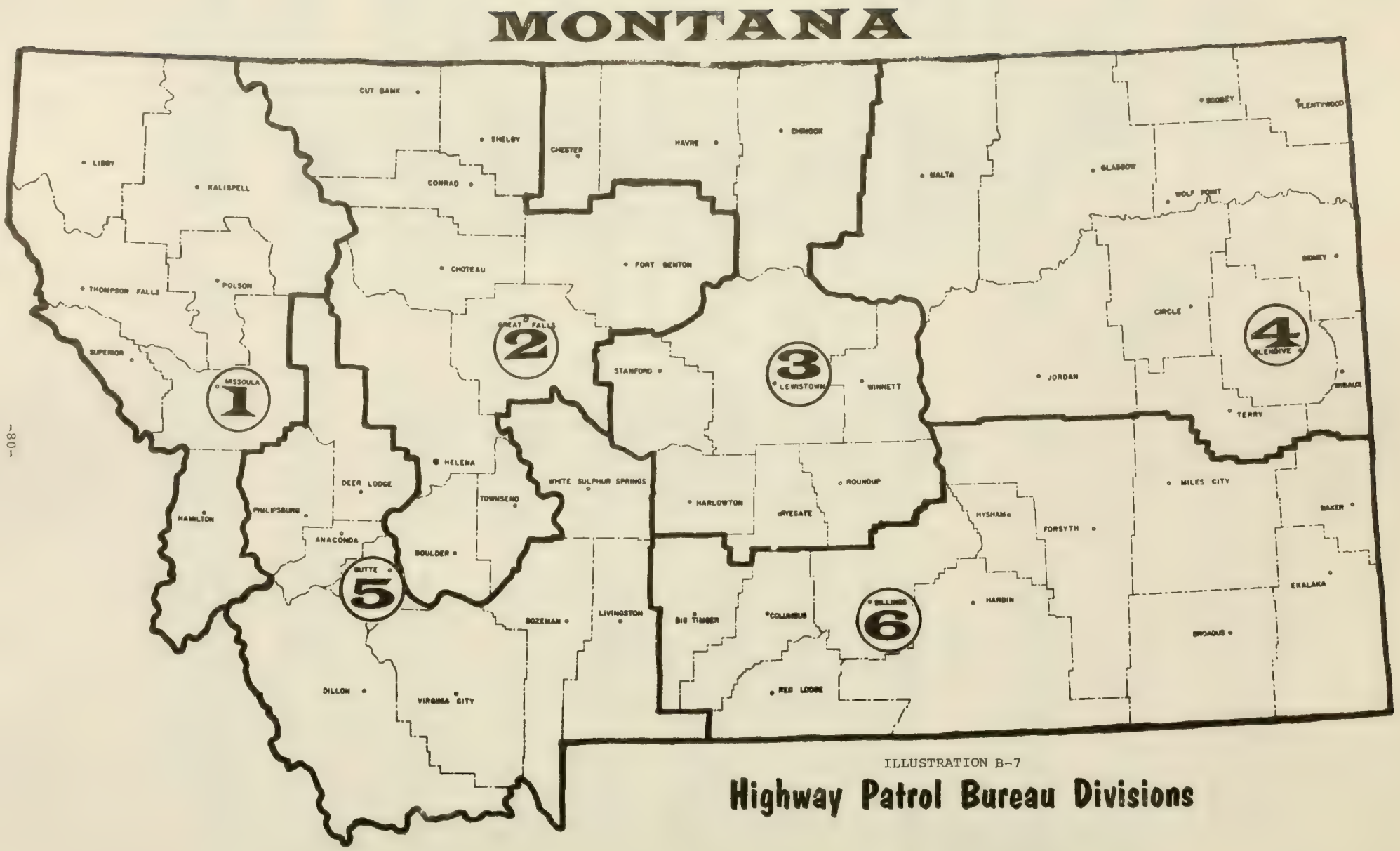


ILLUSTRATION B-7

Highway Patrol Bureau Divisions

The scope of authority of the highway patrol is defined in Section 31-110, R.C.M., 1947, as follows:

"31-110. Offenses for which arrest may be made by patrolmen--murder, etc.--patrolmen when police officers--forbidden to act in labor disputes--temporary control of traffic in cities and towns--investigations of accidents--inspection of livestock. In addition to the above duties, the highway patrol supervisor and all patrolmen are authorized under this act to make arrests for the following offenses committed; if committed in the presence of said supervisor or any of said patrolmen, or if committed in a rural district, upon the request of a peace officer, or if committed in a city or town of less than twenty-five hundred (2500) inhabitants, upon the request of any peace officer, or the mayor of said city or town: The crimes of murder, assault with a deadly weapon, arson, burglary, larceny, kidnapping, illegal transportation of narcotics, or violation of the Dyer act regarding the transportation of stolen automobiles. Provided, that such highway patrolmen shall have no authority and are expressly forbidden to make arrests in labor disputes or in preventing violence in connection with strikes, and shall not be permitted to perform any duties whatsoever in connection with labor disputes, strikes or boycotts.

"Patrolmen shall be deemed police officers in making arrests in all offenses occurring on the highways and in the use of motor vehicles or the registration thereof, and for the purpose of serving warrants of arrest in connection with such violations.

"The patrolmen are also hereby empowered to stop any truck or motor vehicle in which livestock or livestock products are being transported and ascertain whether the driver of such truck or vehicle is rightfully in possession of such livestock or livestock products; and whenever the patrolmen have good reason to believe that such livestock or livestock products have been stolen, they are empowered to take possession of the same until such livestock or livestock products can be delivered into the custody of the sheriff or until such time as the facts as to the actual ownership can be ascertained."

Table B-7
Arrests Made by Highway Patrol
1974-1975

1974		1975	
Possession of drugs	26	Possession of drugs	27
Stolen vehicles	52	Stolen vehicles	57
Larceny	18	Runaways	13
Runaways	16	AWOL	7
Assaults, firearms used	15	Assault w/deadly weapon	5
Assaults	7	Fugitive	5
Parole violations	6	Illegal entry to U.S.	3
Breaking and entering	5	Burglary	4
Obstructing public servant	4	Aggravated assault	5
Vandalism	3	Felony - bad checks	4
Grant theft - felony	3	Armed robbery	2
Persons shooting	3	Parole violations	4
Fugitive, another state	2	Contributing/minor	2
Contributing/minor	2	Obstructing public servant	2
Illegal entry to U.S.	2	Abandoned vehicle	1
Lewd acts on child	2	Illegal possession of beer	3
Fraud	1	Physical control of m.v.	1
Bank robbery	1	Criminal mischief	3
Draft evasion	1	Arson	1
Carrying concealed weapon	1	Escaped prisoner	2
Illegal possession of beer	1	Fraudulent use of credit cards	1
Fictitious plates (ins. fund)	1	National firearm violation	1
Escaped federal prisoner	1	Theft of liquor	1
Illegal tagging of game	1	Rape	1
Hit and run picked up	1	Possession of stolen property	1
AWOL	1	Destruction of private property	1
Wife abandonment	1		
Total	177	Total	157

Montana highway patrolmen answered requests for assistance from other agencies in the following instances. (Sheriff's office = S.O.; police department = P.D.)

Table B-8
Assistance Rendered by Highway Patrol
to Other Agencies
1974-1975

1974		1975	
Aggravated assault (S.O.)	2	Larceny (S.O.)	6
Roadblock (P.D.)	2	Disorderly conduct (S.O. & P.D.)	5
Murder (S.O.)	3	Aggravated assault (S.O. & P.D.)	3
Burglary (P.D.)	6	Interstate flight (S.O.)	2
Suicide (S.O.)	1	Robbery (S.O.)	3
Possession of drugs (S.O.)	1	Assist game warden	2
Armed robbery (S.O.)	5	Investigate shooting (P.D.)	1
Kidnaping (S.O.)	3	Snowmobile accident (S.O.)	1
Recover drowned persons (S.O.)	1	Recover stolen property (S.O.)	1
Assist game warden	1	Assault w/ deadly weapon (S.O.)	1
		Suicide (S.O.)	1
Total	25	Total	26

Table B-9
Number of Officers Reporting
Criminal Offenses
1974-1975

1974		1975	
Division I	24	Division I	18
Division II	19	Division II	11
Division III	4	Division III	6
Division IV	6	Division IV	13
Division V	15	Division V	11
Division VI	15	Division VI	13
Division VII	2	Division VII	1
State APU	0	State APU	1
Total	85	Total	74

Other cooperative and direct services provided by the patrol include:

1. assistance to local hospitals by making blood and/or serum emergency runs between hospitals;

2. participation in all major civil defense exercises because of the patrol's expertise in traffic management;

3. presentation of safety and educational programs throughout the state. (These programs consist of defensive driving courses, bicycle and pedestrian programs in the school system, and public appearances before numerous civic organizations in Montana);

4. representation on various standing committees in state government, such as the Data Processing Task Force, the Peace Officers Standards and Training Council, the Board of Crime Control, the Alcohol and Drug Dependence Advisory Council, and numerous traffic safety councils and committees; maintenance of a selective and concentrated enforcement unit, designated as the Accident Prevention Unit. The unit operates primarily in high accident areas.

Uniformed officers of the Driver Licensing and Examination Division conduct all examinations for driver licenses in the state. Photo license records are utilized by investigative agencies to identify fugitives and to locate missing persons.

Driver Licensing

The purposes of this Division are to renew driver licenses, examine new applicants and persons experiencing driving difficulties, maintain a complete record system of each driver's history, and administer the Safety Responsibility Act.

Montana's driver licensing and driver improvement program are intended to reduce driver error, thereby contributing to the overall program of highway safety.

The Division has been responsible for increased programs in driver correction through the Driver Improvement Program.

TABLE B-10
Patrol Activity Summary
in Percentage Time

	% Time
Patrol Activities	50-60%
Accident Investigation	10-15%
Report Writing	10-15%
Special Assignments	5-10%

The Highway Patrol Recruit Training School is conducted at the Law Enforcement Academy Bureau in Bozeman and provides 600 hours of instruction in an 11-week period. Traffic law enforcement and accident investigation are the primary training subjects.

In-service training for patrol personnel and local law enforcement officers is provided in accident investigation, laws of arrest, rules of evidence, motor vehicle code statutes, gas chromatograph operation, and justice-of-the-peace indoctrination and orientation.

Twenty-four hour communication service is maintained at the patrol general headquarters, with 16-hour capability in the division headquarters. Local sheriffs and/or police departments maintain communications for the patrol divisions in the remaining shift.

The patrol records division maintains files for the Federal Bureau of Investigation on at-large fugitives and provides record information to the F.A.A., D.O.T., Armed Forces, and Federal Courts.

In cooperation with the Department of Livestock, a livestock inspection report was instituted to enable patrol officers to make more complete inspections of transported livestock. This effort is directed at curtailing illegal transport and theft of Montana livestock.

Investigation, Communication and Identification Division

The administrator of the Division of Investigation, Communication and Identification, appointed by the Attorney General, has supervisory authority over the following bureaus:

1. Criminal Investigation
2. Law Enforcement Teletypewriter System
3. Identification
4. Fire Marshal
5. Law Enforcement Academy

The overall functions of the division are to provide efficient and timely communication through automation; to update and keep current fingerprint classifications and filings; to expand and improve the training facilities and programs at the state law enforcement academy; to improve the quality and quantity of crime laboratory services; and to provide increased criminal investigation assistance to local agencies requesting investigative aid.

The bureaus provide the following law enforcement functions and services:

1. Criminal Investigation Bureau

This Bureau is composed of a criminal investigators section and the criminal investigation lab.

The investigation section is staffed with agents located in Helena. Each agent is qualified by experience, training, and high professional competence in criminal investigations. The agents have the power and duty to, upon request, assist city, county, state, and federal law enforcement agencies by providing expert and immediate aid in the investigation and solution of felonies committed in Montana. These agents will assist with various schools held in the state for law enforcement officers when requested.

In this function, the investigative agents have traveled thousands of miles lending their investigative expertise to local law enforcement. Their activities and investigations have carried them into all of Montana's 56 counties and have included investigations into murder, assault, kidnaping, burglary, narcotics, and internal affairs of government.

The crime lab, now in its seventh year, employs four full-time chemists and one secretary. The lab analyzes materials submitted by law enforcement agencies involved in criminal investigations and provides expert court testimony in Montana at no cost to the submitting agency.

The lab presently has the capability to analyze the following: drugs and alcohol in dosage forms or in blood and urine; fire accelerants from leaks or arson cases; adulterated or non-genuine alcoholic beverages; and gunshot residues in clothing and polymers. It can identify a limited amount of blood and body fluid, also. Samples not presently analyzed in the lab, after screening, can be sent on for rush analysis by other experts.

The laboratory is located in a privately owned building in Missoula. An electronic burglar alarm system was installed and close inspections and inventories are conducted for security.

The lab is equipped with a new high performance gas chromatography-pyrolysis system, two high performance gas chromatographs, a fluorescence spectroscope, an infrared spectroscope, a stereomicroscope and the typical glassware, thin layer chromatograph, and distillation apparatus.

The number of samples submitted for analysis in FY 1975 was 3,144 and increased to 3,250 in FY 1976.

2. Law Enforcement Teletypewriter System Bureau (LETS)

This bureau is the control terminal for National LETS and NCIC (National Crime Information Center) for the state of Montana and is presently staffed by a bureau chief, four full-time employees and four part-time employees.

The facility housing the Law Enforcement Teletype System Bureau is a modern, privately owned building in Helena which is leased by the state and shared with some of the other bureaus in the Investigation, Communications and Identification Division, as well as the Data Processing Bureau of the Central Services Division of the Department of Justice.

The original LETS network consisted of 39 terminals connected by 6,196 miles of voice grade teletype lines; a relay type switcher located in Helena and Miles City and connected by two voice grade system circuits; a tie line to the Idaho teletype network; and an interface to National LETS and NCIC in Washington, D.C.

The present automated network consists of an IBM System/7 computer, 56 terminals connected by 2,332 miles of data grade line, 250 miles of voice grade line, an interface to National LETS and NCIC and the automated vehicle registration file for the state of Montana.

An Action Communication Systems TELECONTROLLER is used as a backup for the IBM System/7 but allows the users access only to the low speed terminals on the system, NCIC, and National LETS.

Of the present 56 terminals on the system, 27 are model 33 ASR teletypes, 26 are model 35 ASR teletypes, and three are IBM 3275 displays with high speed printers. These three high-speed terminals were installed in the LETS Bureau and the Billings and Great Falls police departments because of the noticeable increase in traffic for these departments.

The model 33 ASR teletype leases for $65.00 (plus station arrangement, data selective calling service station, drop service, connecting arrangement, and service terminals) and the model 35 ASR leases for $110.00 (plus charges for the items listed with the model 33 ASR). The three high-speed terminals were purchased by appropriations with the exception of the high speed printer in the LETS Bureau. It is leased from IBM at $140.00 per month. The teletype lines are a combination of telephone company data grade and voice grade lines at $1.45 per mile plus 35% and $3.00 per mile and 25% respectively, and Government services Administration (GSA) Telpak data grade and voice grade lines at 27 cents per mile and 54 cents per mile respectively.

LETS conducts an annual statewide training program for the purpose of instructing teletype operators in the proper use of all facets of the law enforcement teletype system in various regions throughout the state. Training is also given on an individual agency basis when a new department joins the system. Instruction on information available to the officer through the use of the law enforcement teletype system is also provided at each basic school scheduled by the Montana Law Enforcement Academy (MLEA).

Faster communication within the state as well as with other states was afforded the Montana users in 1976 with the installation of the IBM System/7 computer. This change of equipment also allowed the Montana and National LETS users direct access to the automated vehicle registration files by use of a standard National LETS message format.

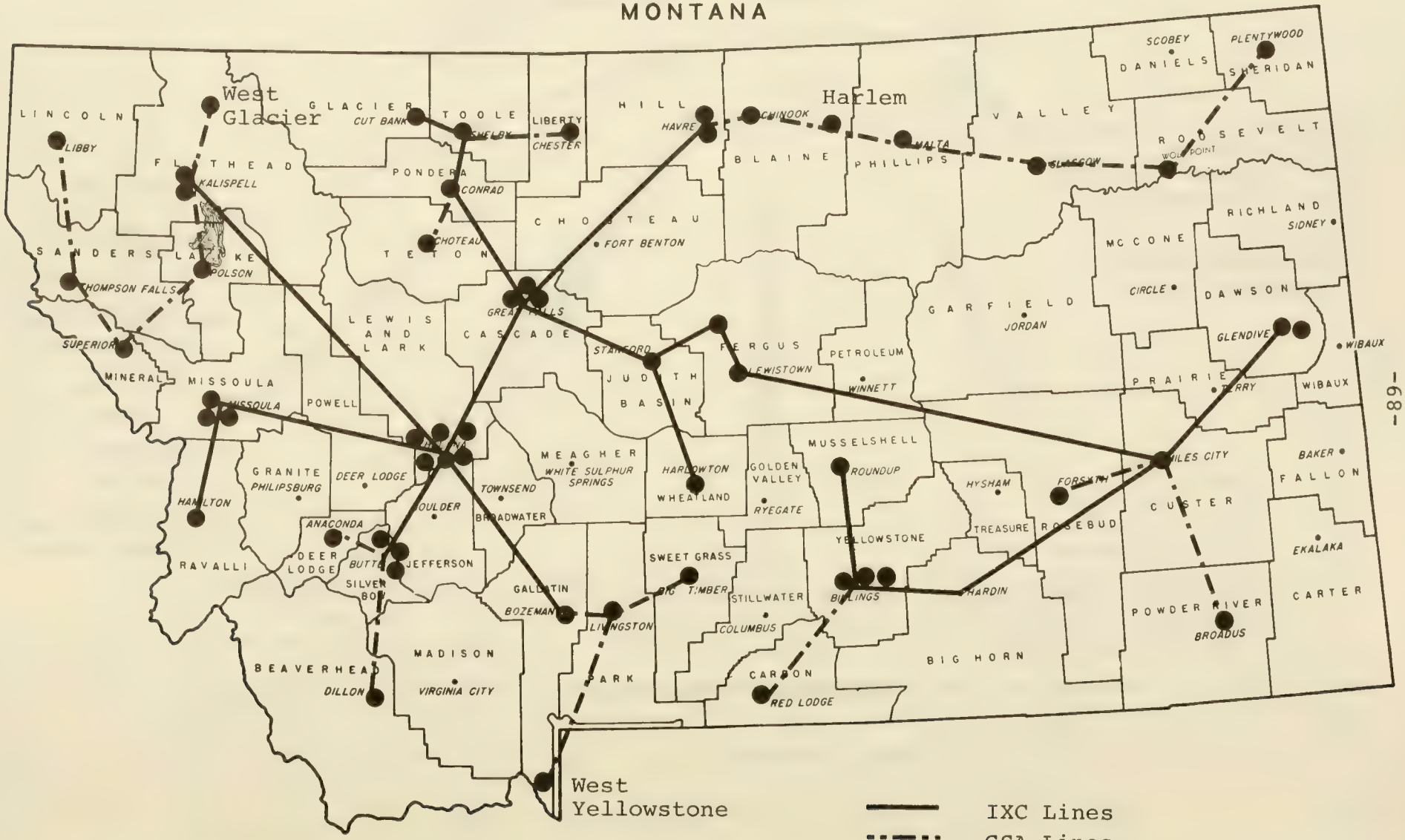
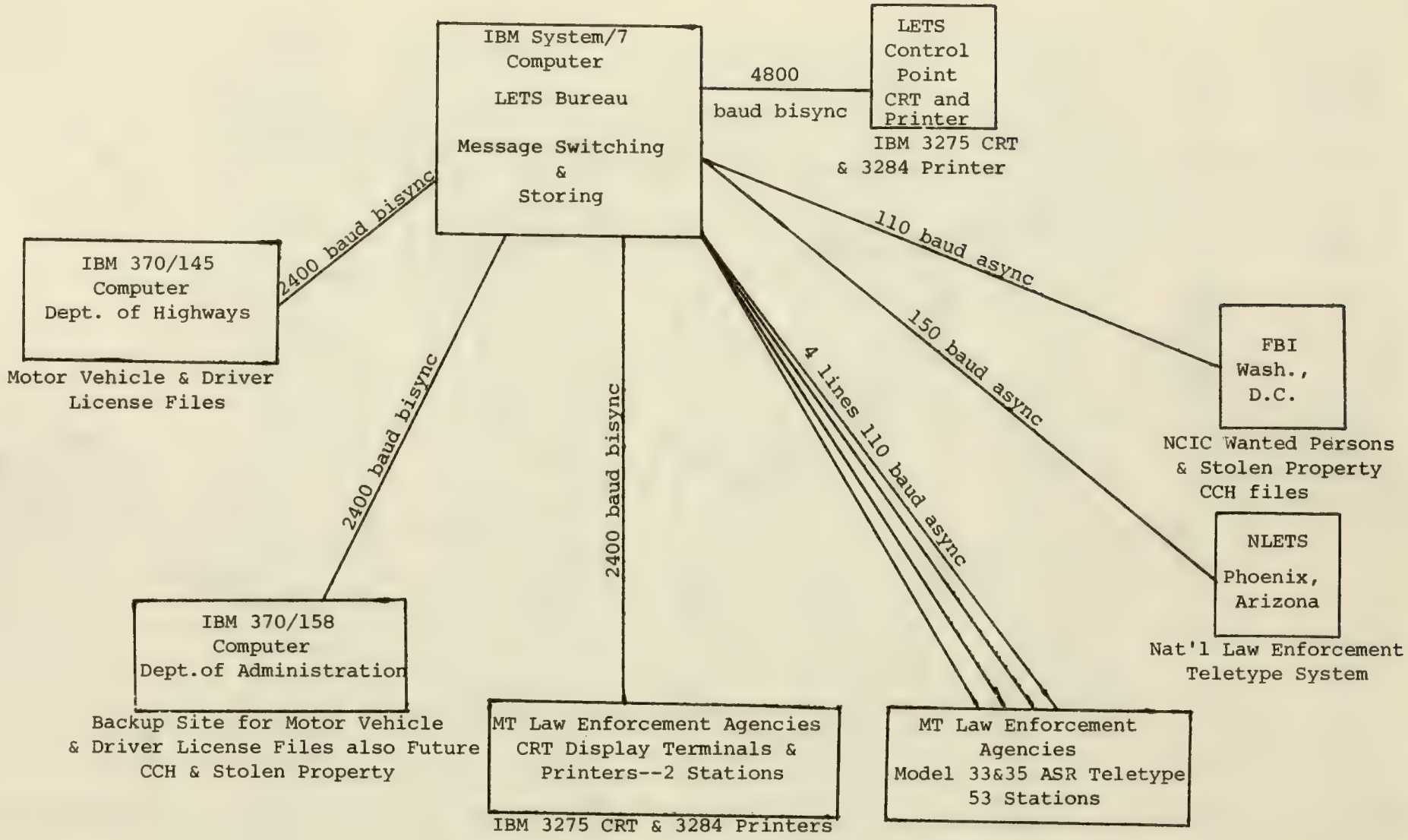


Illustration B-8 Montana System

MONTANA LAW ENFORCEMENT TELETYPE SYSTEM
Illustration B-9



TOTAL 56 Stations

AVERAGE NUMBER OF
NCIC HITS PER MONTH

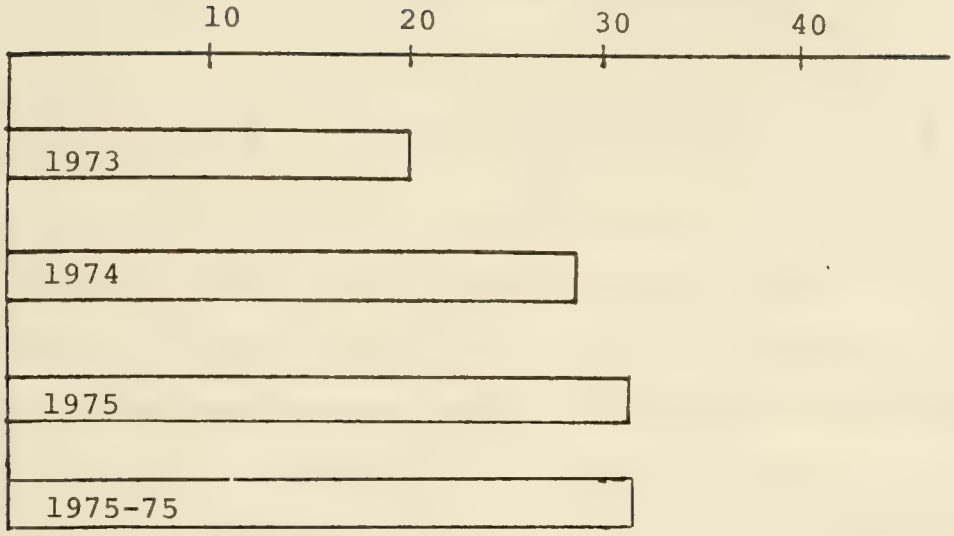
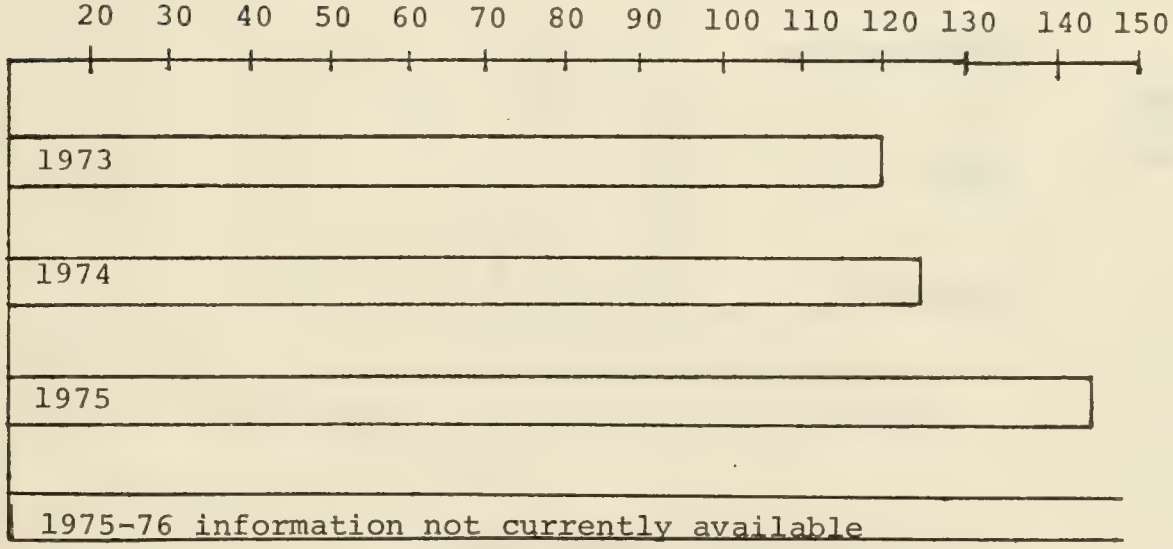


ILLUSTRATION B-10

SYSTEM TRANSACTIONS

NUMBER OF MESSAGES ON THE
AUTOMATED SYSTEM PER MONTH

Thousands of Messages



Average Number of NCIC and NLET
Messages per Month

Thousands of Messages

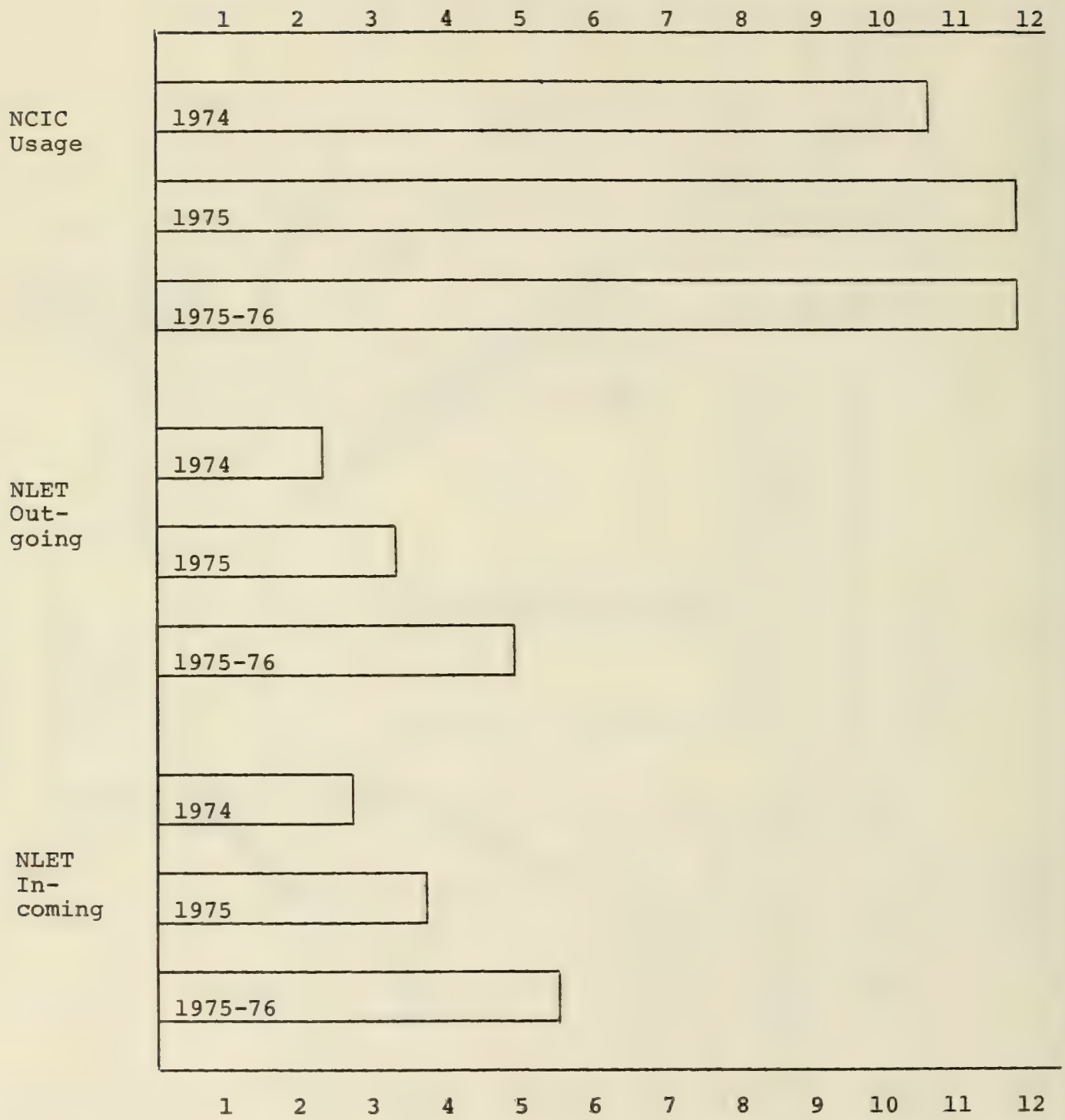
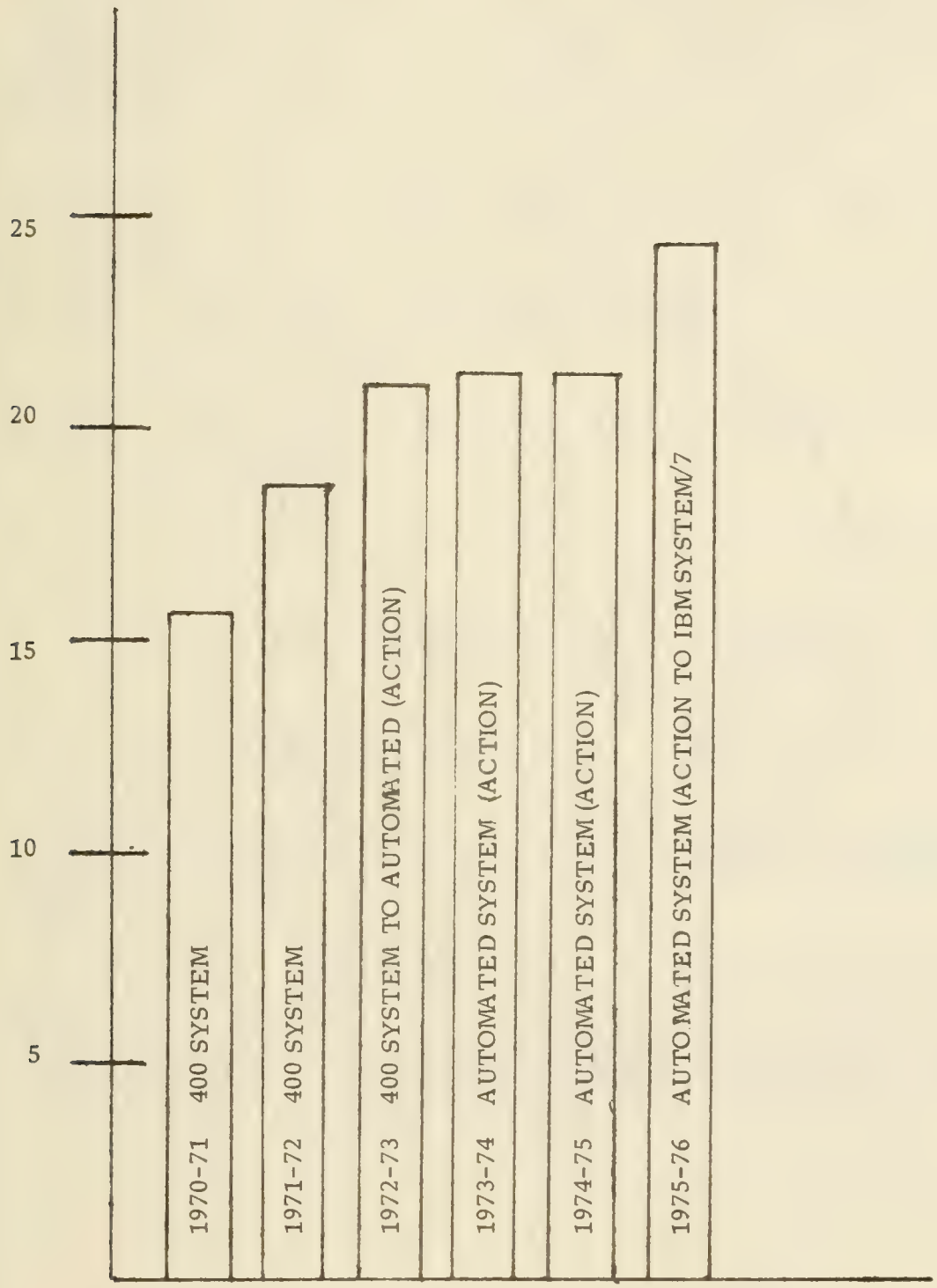


Illustration B-11

Illustration B-12

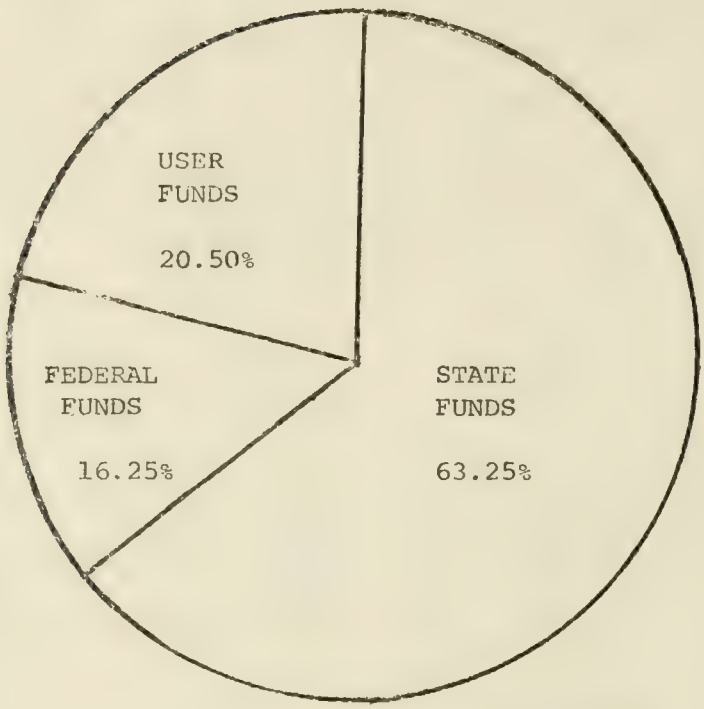
COSTS FOR TOTAL L.E.T.S. OPERATION



SYSTEM COST PER MONTH IN THOUSANDS OF DOLLARS

(Based on Fiscal Year Figures)

Illustration B-13



TOTAL BUDGET
$307,545.00

LETS
OPERATING BUDGET
1976-1977

3. Identification Bureau

The Identification Bureau is under the direction and supervision of the Identification Bureau Chief. Employees of the LETS Bureau have also been instructed in the operation of the Identification Bureau's record check service to provide this service to all law enforcement agencies in the nation on a 24-hour-a-day, 365 day-a-year basis.

The bureau is currently staffed by four full-time employees, including a court qualified latent fingerprint expert.

Primary activities of the bureau include:

1. procurement and filing of criminal information on all persons arrested for felonies and other reportable crimes in Montana;

2. preparation and dissemination of criminal histories (rap sheets) to contributors of fingerprint cards in the State of Montana;

3. providing criminal information to law enforcement agencies throughout the country (record checks);

4. updating and consolidation of files for microfilming and for a name index to include aliases and nick-names;

5. assistance to law enforcement agencies in obtaining information regarding convicted felons and other well-known and habitual criminals.

The fingerprint cards provided by this bureau have been checked for compatibility with FBI-NCIC codes. Information for eventual data transcription and automation is being collected from these cards.

The bureau compiles a monthly bulletin for distribution to law enforcement agencies. The bulletin includes announcements of a general nature (i.e., changes in policy, dates of schools to be held, etc.), information concerning crimes committed, inmates received, discharged, and paroled at Montana State Prison, parole violators, and missing persons.

TABLE B-11
Summary of Identification Bureau Activities

	1975	1976
Total number of fingerprints on file	185,529	159,807
Total number of records purged	71,735	25,722
Fingerprint cards received, searched, classified, and filed	3,368	4,125
Average per month (12 months)	281	344
Positive identification of individuals with prior record	968	1,442
Average per month (12 Months)	81	120
Number of record searches	16,327	18,001
Average per month (12 Months)	1,361	1,500
Number of teletype responses	3,266	3,527
Average per month (12 Months)	272	294
Latent fingerprint cases received and processed	101	194
Average per month (12 Months)	8	12

4. Fire Marshal Bureau

The State Fire Marshal Bureau employs two Deputy I and two Deputy II personnel, a Chief Deputy, and the Bureau Chief. The bureau also has two secretaries and 22 special deputies on a part-time basis in investigations.

Part-time investigators are used in the initial investigation of fire scenes. If arson is suspected, a regular full-time deputy state fire marshal comes into the case and follows it to its conclusion. Technical assistance is provided to prosecuting attorneys in the preparation of arson cases for court. An active information gathering and disseminating program is maintained to assist the Fire Marshal Bureau, local law enforcement, and fire service personnel in handling arson cases.

Many services are provided by the Fire Marshal Bureau in addition to the specialized investigation of incendiary fires, such as polygraph examinations, inspections, code adoption, fire alarm and extinguisher licensing, plus prevention services and computerized fire reporting. Both classroom and individual training are provided for law enforcement agencies and local fire departments in arson investigation and detection techniques.

TABLE B-12
Fire Marshal Bureau
Activities Summary and Comparison

	1973	1974	1975
Reported Incidents	3,573	3,066	3,010
Incendiary Fires	156	165	204
Suspicious Fires	166	229	275

There were 537 vehicle fires reported in 1975. This figure includes automobiles, pickups, dumpsters, buses, motorcycles, and travel trailers. Of these 537 fires, 11% were reported as either incendiary or suspicious.

There are no statistics currently available on prosecutions attempted and convictions rendered, as this data is not routinely reported to the Fire Marshal's office by local government.

5. Law Enforcement Academy Bureau

The Montana Law Enforcement Academy was created by the legislature in 1959 to provide Montana law enforcement officers with additional training.

In 1972, the Montana Law Enforcement Academy was renamed the Law Enforcement Academy Bureau and placed under the Department of Justice pursuant to the Executive Reorganization Act of 1971.

The Academy is directed and supervised by a bureau chief, and has an assistant chief, a training coordinator, and two police instructors. Three full-time secretaries and a part-time clerk complete the administrative staff. Because of the increased courses, weeks of instruction and student enrollment, this agency is requesting additional personnel from the 1977 Legislature. The additional personnel would consist of two police instructors and one secretary.

Professional part-time instructors are utilized from federal, state, and local agencies, educational institutions, and other professions. A representative list of these resources is as follows:

Table B-13
Law Enforcement Academy Bureau
Part-Time Instructors

Federal Bureau of Investigation
Sheriffs' Departments
Police Departments
Canadian Police Agencies
Bureau of Indian Affairs
National Auto Theft Bureau
State Supreme Court Justices
District Judges
Justices of the Peace
County Attorneys
Business Professionals
Press and Media Professionals
Psychiatrists
Pathologists
Montana State University
University of Montana
U. S. Forest Service
Carroll College
Fish and Game Department
Internal Revenue Service
U. S. Treasury Department
Bureau of Narcotics and Dangerous Drugs
Law Enforcement Teletype System
Social Welfare Agencies
Ex-Offenders
State Highway Department
State Board of Health
Civil Defense
Federal Reserve Bank
Montana State Prison
Board of Livestock
State Crime Lab
Montana Highway Patrol
State Fire Marshal
Board of Pardons
Campus Security
Board of Crime Control
Fraud Division of Master Charge and BankAmericard

The facilities of the Academy are located on the campus of Montana State University in Bozeman. The dormitory accommodates 40 students with staff office space and classrooms in a separate facility. (Negotiations are being made at this time to obtain additional dorm space for 30 students.) The dining area and physical education facilities are nearby. The Academy's modern firing range, located east of Bozeman, has concrete firing lanes and positions, flood lights adjustable to various degrees of lighting, a classroom, a heated range house, and an adequate parking area. The electronic target system has been improved with the addition of updated electronic components, enabling the Academy to produce a fuller capacity in its firearms program.

The Academy is the only centralized training center for law enforcement and other criminal justice personnel in Montana. It is also the major training facility for most individual law enforcement departments in the state.

During the past year, 49 schools were conducted over a period of 81 school weeks with 1104 students attending and 1082 students graduating.

TABLE B-14
L.E.A.B. Student Attendance Summary

Fiscal Year	Total Students
1972-73	704
1973-74	561
1974-75	707
1975-76	1104

With the enactment of mandatory training requirements, a substantial increase in training workload continues to be anticipated.

In a continuing effort to provide high quality training to law enforcement and other criminal justice personnel, a variety of training opportunities is provided. The following table of FY 75-76 schools gives evidence of such variety:

TABLE B-15
FY75-76 L.E.A.B.
Schools and Graduates

School	Number Graduating
Basic School - 15th Session	25
Firearms Instructors	16
Basic School - 16th Session	27
Regional Training #11	10
Criminal Investigator	17
Regional Training #12	35
Regional Training #13	36
Intermediate - 2nd Session	25
Basic School - 17th Session	33
Regional Training #14	8
Accident Investigation	13
Regional Training #15	18
Advanced - 7th Session	23
Regional Training #16	24
Regional Training #17	33
Police Management-Northwestern	32
Regional Training #18	12
Regional Training #23	25
Regional Training #24	17
Regional Training #19	18
Regional Training #20	14
Fish & Game Ex Officio Warden	23
Regional Training #21	23
Legal Training	30
Regional Training #22	21
Dispatcher Training	22

Table B-15 (Continued)

School	Number Graduating
Regional Training #25	12
Classification of Fingerprints	9
Latent Fingerprints	13
Basic School - 18th Session	35
Regional Training #30	5
Photography	14
Regional Training #29	14
Montana Highway Patrol Recruit	18
Accident Investigation	14
Regional Training #35	28
Regional Training #31	20
Basic School - 19th Session	29
Intermediate - 3rd Session	21
Regional Training #27	32
Regional Training #32	6
Regional Training #34	12
Regional Training #28	36
Fish & Game NRA Firearms Instructors	34
Regional Training #37	18
Forest Service Law Enforcement	21
Forest Service Law Enforcement-Refresher	29
Regional Training #36	16
Regional Training #33	25
Visual Investigative Analysis	8
Advanced - 8th Session	10
Regional Training #39	10
Regional Training #38	13
TOTAL	1,082

Other services provided to criminal justice personnel, to state and local government, and to citizen groups are a criminal justice film and cassette library, news bulletin, and the Susan Jaeger Memorial Library.

The Academy has consistently added to and upgraded its film library. Twenty-eight films for community use are now available. In the past year, 10,859 members of the general public, plus civic groups, and grade school, high school, and college students throughout the state viewed these films.

The Sony Video Cassette Training Units and Motorola Cassette Programs have been transferred from the POST Council to the Academy and are also available to law enforcement agencies throughout the state.

Twenty-nine new law enforcement training films and two slide show presentations were purchased and are used both in the Academy training program and for in-service training within law enforcement departments. A total of 2,300 trainees viewed these films during departmental in-service and Academy training last year.

The Law Enforcement Academy Bureau "Bulletin" is received by Academy graduates, sheriffs, chiefs of police, coroners, probation and parole officers, justices of the peace, and other interested parties. There are approximately 2,250 persons on the "Bulletin" mailing list.

The "Bulletin" includes information about the services of the Academy and graduate and personal items such as promotions, honors, retirements, and special achievements.

The Academy is funded by federal-action subgrants and state general fund monies. Students (or their agencies) pay room and board for all special schools, while Basic, Intermediate, and Advanced Schools were at no cost to the student during FY75-76. The 1975 Montana Legislature indicated that the state will assume the fiancial responsibility for funding the Academy, but in doing so, has further indicated that agencies sponsoring students will be expected to assume the costs of room and board. Therefore, the following information is furnished regarding the room and board charges at the Academy that will be effective July 1, 1976, for FY 76-77:

Police & Sheriff Departments

Basic School	$2.70/day X 38 days =	$102.60
Advanced School	$2.70/day X 12 days =	32.40
Intermediate School	$2.70/day X 12 days =	32.40

State Agencies

Basic School	$5.40/day X 38 days =	$205.20
Advanced School	$5.40/day X 12 days =	64.80
Intermediate School	$5.40/day X 12 days =	64.80

All special schools, i.e., Legal Training, Fingerprint, Firearms Instructors, etc., will remain the same at $5.40/day times the number of days the school is held. This will apply to all departments including state agencies.

TABLE B-16
Program Cost Summary
FY75-76

Expenditures	
Personnel	$117,204.00
Contracted Services	30,107.00
Travel	67,087.00
Equipment	6,400.00
Operating Expenses	88,436.00
TOTAL EXPENDITURES	$309,234.00
Revenue Sources	
Federal Funds	$ 80,000.00
State & Private Funds	229,234.00
TOTAL REVENUE	$309,234.00

As a special project, the Academy is collecting data regarding students to detect trends in law enforcement personnel background as well as areas of need in training, general education, procedures, and equipment.

TABLE B-17
Comparative Montana Peace Officer Data

	FY74	FY75
Total Students Surveyed	327	493
Average Age	32 years	33 yrs. 4 mo.
Average Length of Service	5 yrs. 3 mo.	5 yrs. 2 mo.
Average Years Formal Education	12 yrs 9 mo.	13 years
Average Hours Police Training	275 hours	358 hours
Most Common Academic Major	Police Science	Police Scienc & Sociology
Percentage with College Degree	19%	16.3%
Percentage Providing Uniforms	74%	74.3%
Percentage Providing Vehicles	93%	94%

	FY-76
Total Students Surveyed	882
Average Age	34 years 1 month
Average Length of Service	5 years 1 month
Average Years Formal Education	13 years 1 month
Average Number of Hours Police Training	349 hours
Most Common Academic Major	Police Science & Sociology
Percentage with College Degree	17.6%
Percentage Agencies Providing Uniforms	70.1%
Percentage Agencies Providing Vehicles	91.9%

In August, 1974, an Advisory Council was appointed to assist in the operation of the Law Enforcement Academy Bureau. The five members of the council represent sheriffs, police, county attorneys, POST and the University System.

Crime Control Division

Bureau of Research and Design

The Bureau of Research and Design includes the Automated Data Processing Center and the Criminal Justice Data Center.

The bureau is responsible for all statistical activities handled by the SPA. These include regular reports on crime and criminals in Montana, special studies of various aspects of the criminal justice system, and responses to inquires from outside the SPA.

The bureau provides a capability for computerizing many portions of the SPA data collection effort and has taken the lead in computerizing significant areas of the criminal justice information system. In addition, the bureau provides technical assistance upon request in such areas as recordkeeping, statistical research, and computer systems for law enforcement.

Automated Data Processing Center

The Automated Data Processing Center is responsible for the planning, development, and maintenance of automated criminal justice information systems. The current automated systems are the arrest register, offenses known to the police, juvenile court, and criminal justice mailing labels.

Currently, programs are run on both the Department of Administration and the Highway Department computers. The Automated Data Processing Center has a terminal linkup with the Highway Department computer.

The automated data center is currently developing a Juvenile Probation Information System, which will analyze and summarize data supplied by juvenile probation officers throughout the state. The subgrant portion of the county inventory is being computerized to provide faster access to this file of information.

The head of the Automated Data Processing Center is also responsible for the development of a statewide criminal justice information system plan. The plan will provide long-range guidelines for the acquisition and utilization of computerized information systems for criminal justice within the state.

Criminal Justice Data Center

The Criminal Justice Data Center staff is made up of a supervisor, two statistics clerks, a computer programmer, and a statistician. Facilities for the Data Center are provided within the office complex of the Crime Control Division in Helena.

Criminal Justice Data Center personnel utilize the centralized computer of the Department of Administration for key punching and summarizing criminal statistics. Data is compiled from a monthly register of arrests and offenses known to police and submitted by 56 county sheriffs, 48 police departments, and seven tribal police agencies plus the U.S. Immigration Service. Reports are compiled in the form of crime analyses and crime projections.

Data is disseminated by means of a quarterly statistical report issued by the center and distributed to all law enforcement and interested criminal justice agencies in the state. Additionally, individual inquiries from the field are handled as needed.

The only other agency collecting similar criminal justice information in Montana is the Federal Bureau of Investigation through the Uniform Crime Report system. Although some duplication occurs at the local level, the state of Montana derives more complete statewide reporting and collects more detailed information than does the FBI.

The data center also collects information from the district court system on felony trials conducted in each of the 18 judicial districts. This effort began in July, 1974, and the data collected is currently being analyzed.

The Montana State Prison supplies information to the center each month on admissions to and releases from the institution.

In addition, the data center conducts periodic public opinion surveys to sample attitudes about the operation of Montana's criminal justice system. Survey results are incorporated in the state comprehensive plan. (see Crime Analysis section)

Comprehensive Data System (CDS)

The SPA has an approved Comprehensive Plan. As a result, the SPA has received federal monies to support the Criminal Justice Data Center, Technical Assistance, and the Management and Administrative Information System modules of the CDS.

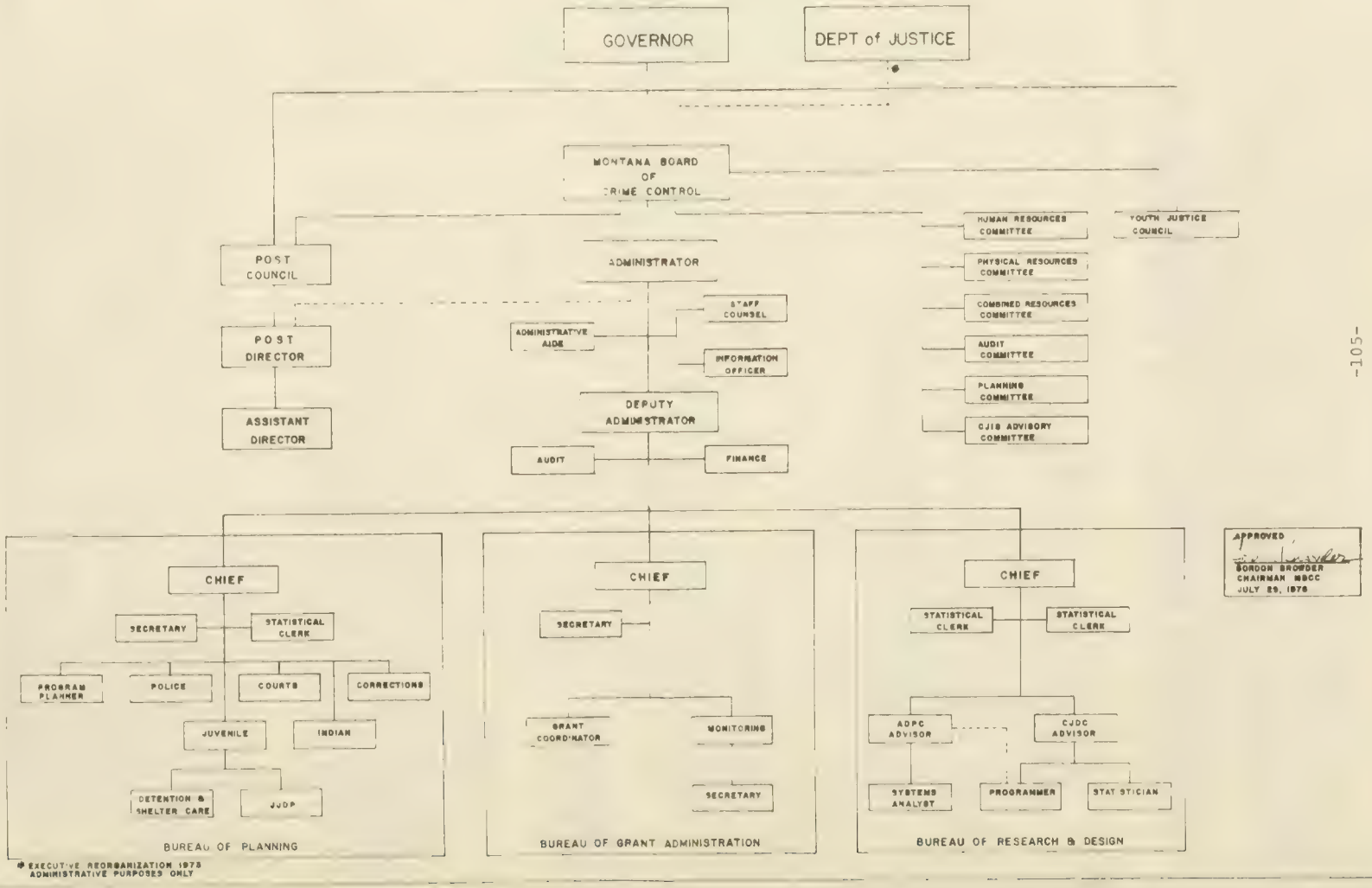
The Department of Justice will undertake the development and implementation of the OBTS/CCH (Offender Based Transaction Statistics/Computerized Criminal Histories) module, and the Uniform Crime Report module. The Department of Institutions is currently developing the OBSCIS (Offender Based State Corrections Information System).

Refer to the organizational chart in illustration B-14.

Illustration B-14

MONTANA

BOARD OF CRIME CONTROL



Peace Officers Standards and Training (POST)

The POST program in Montana has been functional since November 1, 1972. During that period the following training courses have been designed and mandated: the Basic Course of 280 hours, the Intermediate Course of 80 hours, and the Advanced Course of 80 hours. Nine minimum selection standards have been established and mandated. A certification program has been established: As of June 30, 1976, there are 665 officers certified for the Basic Certificate, 156 officers certified for the Intermediate Certificate, and 68 officers certified for the Advanced Certificate.

A video-cassette training program was established to fill some of the gaps existing in training throughout the state. Tests have been devised to determine what material the officers are retaining and these tests are administered by each agency using this training program. The training program was expanded to include forty training cassettes and turned over to the Law Enforcement Academy Bureau for its staff to supervise. POST received a $2,200 gift of eight 16mm films produced by Dr. George Kirkham, entitled"Human Dimension." These are situational training films in the areas of human relations, minorities, ethics, police morality, and police discretion. These have also been turned over to the Law Enforcement Academy Bureau.

About 60% of the peace officers in Montana are POST certified; about 10% of the law enforcement agencies are not meeting POST selection and training standards and there is an apparent need for POST to monitor the local agencies to assist them in meeting the standards. POST will employ an assistant director on November 1, 1976, to accomplish this task.

Ten sheriffs and police departments have been provided the first eight volumes of the International Association of Chiefs of Police (IACP) Training Key Program, which gives each agency excellent in-service training and reference material. This program will be expanded to include as many agencies as possible. Each agency is required to establish a training record for each officer and to subscribe for new volumes as the IACP produces them. The POST Council feels this program will assist local agencies in establishing continuing in-service training programs.

POST, with the assistance of a Volunteer Law Enforcement Task Force, has developed legislation to regulate volunteer law enforcement groups. Minimum selection and training standards and an 88-hour Basic Course have been developed for reserve officers. If the legislation passes, the bill will be effective July 1, 1977.

POST plans on developing legislation regarding sworn law enforcement officers' taking an oath of office, and developing procedures for a signed oath and for swearing-in.

POST will be studying the possibility of mandatory management training for newly elected sheriffs and newly appointed chiefs of police. The Supervisory Course has been established. POST has decided to defer any further action on the Command and Management Courses until a decision is made on mandatory management training.

POST has a written examination developed by the National Association of State Directors of Law Enforcement Training (NASDLET) for out-of-state officers seeking in-state employment and POST certification. POST will be validating this test to the Basic Course before it can be used.

TABLE B-18
The Basic Course

Requirement (effective January 1, 1975)

Successful completion of 280 hours of instruction in the following minimum prescribed subject areas at a certified training school:

Curriculum		Hours
I.	Introduction to Law Enforcement	3
II.	Criminal Law	37
III.	Criminal Evidence	20
IV.	Criminal Investigation	60
V.	Patrol Procedures	70
VI.	Traffic	8
VII.	Juvenile Procedures	2
VIII.	Firearms	45
IX.	First Aid	16
X.	Written Examinations	7
	TOTAL	280

The Board adopted a Law Enforcement Code of Ethics: signed affirmation of the code is a requirement for certification.

The POST Advisory Council developed forms to be used in the selection of peace officers and instituted a cooperative agreement with the Montana Employment Service for administering written tests to all law enforcement applicants.

A training survey pointed out the need for trained police instructors. As a result, the POST Advisory Council funded an instructor's course at the Montana Law Enforcement Academy, taught by Northwestern University Traffic Institute instructors. Twenty-two peace officers graduated from the two-week course.

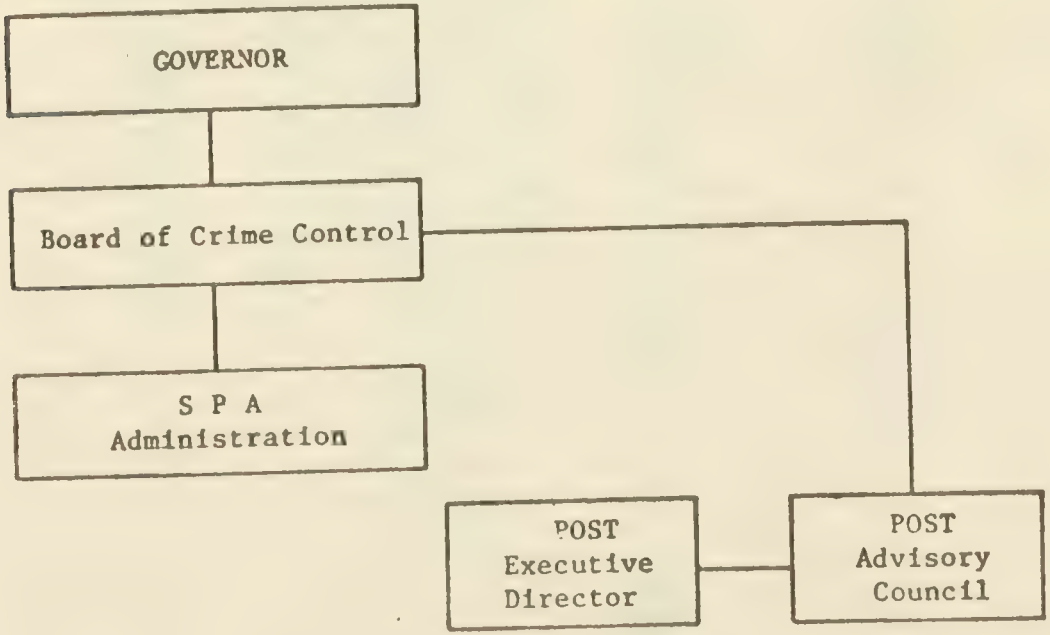
The POST Advisory Council received requests from sheriffs and chiefs of police to study the mushrooming problem of private security police. Montana has no statutes regulating this industry. The study was made and the executive director submitted a report with recommendations to assist the Attorney General in drafting appropriate legislation regulating the private security industry and its personnel.

During 1974 the Council spent considerable time rewriting the standards regulations. It increased the Basic Course requirement to 280 hours of training (as shown in table B-18). The Intermediate Course was changed to give the officers a broad overview of law enforcement and introduce them to innovations in techniques and procedures. The Council also tightened the regulations governing the operation of training schools and the certification of instructors. The new regulations went into effect as of January 1, 1975.

The POST Director has assisted the administrator of the Department of Professional and Occupational Licensing in drafting regulations to assist in fulfilling the requirements of the law. The POST Council also sponsored successful legislation allowing highway patrolmen and police officers to be covered by Social Security.

The main goal of POST this coming year is to strive for 100% compliance by law enforcement agencies to the POST standards.

The POST organizational structure is shown in illustration B-15.



ACADEMY PROGRAMS	PERSONNEL STANDARDS	SCHOOL CERTIFICATION	SERVICES
MLEA Curriculum Design Basic Training Intermediate Training Advanced Training Supervisory Training Command Training Administrative Training Instructor Training	Employment, Recruiting & Career Counseling Certification, Training & Employment Records for 1600 peace officers. Standards Compliance	Certification of courses, schools and instructors.	Surveys Policy & Guideline Development

ILLUSTRATION B-15

POST Organization

Investigation Division

The Department of Revenue's Investigation Division was established in 1973 to conduct all of the department's investigations.

The division employs 14 investigators to work primarily in the areas of alcoholic beverage control and cigarette taxes. There are an additional seven investigators whose primary responsibilities are tax fraud, welfare fraud, and child support enforcement.

The investigators are by statute allowed to carry concealed weapons, but are not designated as peace officers with powers of arrest, except in the case of cigarette tax, licenses, and stamps. The investigators are given the powers of peace officers in the regulation of cigarettes, and are authorized and empowered to arrest any person violating any provision of the cigarette act (R.C.M. 1947; 84-5606.26).

The Alcoholic Beverage Control Bureau is primarily responsible for receiving, investigating, and filing complaints regarding illegal activity related to alcoholic beverages. The investigators can seize legally obtained evidence and prepare a case for prosecution. The complaint, when confirmed as a violation, is filed either as a criminal action, processed through the county attorney's office, or as a civil action, which is filed with the Department of Revenue's Liquor Division.

In order to qualify for the position of investigator, an individual must meet the POST standards for employment as a peace officer, possess a college degree, and have a minimum of two years police experience. An effort is made to see that each of the investigators attends the Basic School and some specialized schools at the Law Enforcement Academy Bureau.

The vehicles of all investigative agents are equipped with two-channel mobile radios and the Division has a LETS terminal located in Helena for effective communications with state, local, and federal law enforcement agencies.

Department of Livestock

The Department of Livestock is supervised by the Board of Livestock, comprising seven members appointed by the Governor. From this membership the Governor also appoints the board chairman.

The department operates two divisions, the Animal Health Division and the Brands-Enforcement Division.

Brands-Enforcement Division

The division administrator and staff of 12 are located in the Livestock Building in Helena. The primary function of the office is the collection and maintenance of records and the coordination and supervision of field activities.

In the field there are 11 field stock inspectors and 43 market inspectors operating in 11 field districts as shown in Illustration B-16.

The Brands-Enforcement Division records all brands and transfers of livestock throughout the state and in surrounding states and regulates markets and livestock dealers.

Inspectors are responsible for the investigation of all lost and/or stolen livestock. Regular inspections are made of proper brands at all sales, of cattle transported over county and state lines, of the sale of estray livestock or mortgaged cattle. Inspectors also investigate violations of market laws and dealer licensing laws.

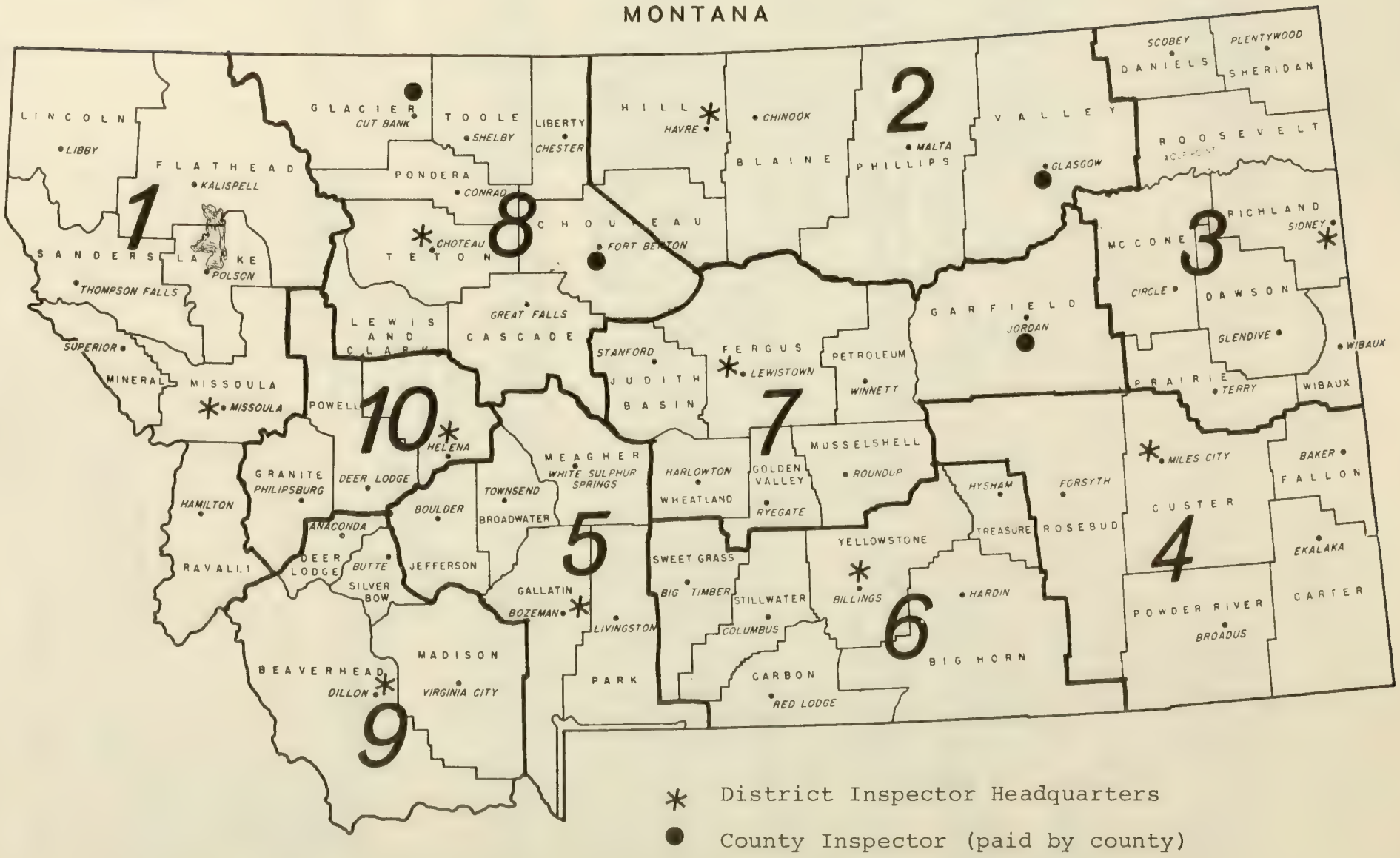
All field stock inspectors receive specialized training in brand inspection and cattle movement inspection plus basic law enforcement training.

Table B-19
Brands-Enforcement Division
Activities Summary

	FY 1975	FY 1976
Market Inspections		
Cattle	1,138,269	1,141,129
Horses	12,398	12,556
Livestock returned to owner		
*Cattle	530	1,240
*Horses	97	169
Lost or Stolen		
Cattle	763	940
Horses	53	128
Felony cases investigated	56	46
Misdemeanor cases investigated	40	84

*Approximate numbers

Illustration B-16
Montana Livestock Division Field Districts



Data on convictions is not available on a statewide basis and must be recovered from the records of local jurisdictions.

Inspectors generally coordinate their activities and investigations with County Sheriffs, County Attorneys, Highway Patrol, Fish and Game, Division of Weights and Measures, as well as Federal law enforcement agencies and other state agencies.

In cooperation with the Highway Patrol Bureau, a livestock inspection form has been devised by the Division. The use of this form will enable the patrol to make a complete inspection of transported livestock. This mutual effort is expected to reduce the increasing number of illegally transported livestock.

Livestock inspectors are equipped with mobile radios mounted in their own personal vehicles and have access to portable, personal radios when investigations require them.

Presently, the Division has 25 mobile radios, four portable radios, and various other law enforcement equipment.

Table B-20
Livestock Inspection & Control
Program Cost Summary

Expenditures by Category	FY 1975	FY 1976
Personal Services	$752,647.00	$794,113.00
Operating Expenses	164,829.00	161,030.00
Equipment	1,025.00	4,208.00
Grants and Benefits	--------	--------
	$918,501.00	$959,351.00
Sources of Funding		
Livestock Dept. E.R.A.	$886,119.00	$959,351.00
Fed. and Private Revenue Fund	32,382.00	---------
	$918,501.00	$959,351.00

Department of Fish and Game

The Department of Fish and Game is supervised by a commission of five members, all appointed by the Governor. The Governor also appoints the chairman of the commission and the Director of the Department.

The Law Enforcement Division, headed by an administrator, maintains general headquarters in Helena and seven regional offices. The organization of the Division is shown in Illustration B-17.

Each enforcement unit in the seven districts is directed by a warden captain, who supervises sergeants and wardens in his command.

Currently there are 82 uniformed warden officers, all equipped with sedans, pick-up trucks, or suburbans. All vehicles are equipped with mobile radios. In addition to land vehicles, the Department operates four fixed-wing aircraft and one helicopter.

State Fish and Game wardens are designated as peace officers by statute. Besides enforcing fish and game laws, they have specific authority to enforce snowmobile laws, boating laws, parks laws, and litter laws, and to deal with vandalism of private property.

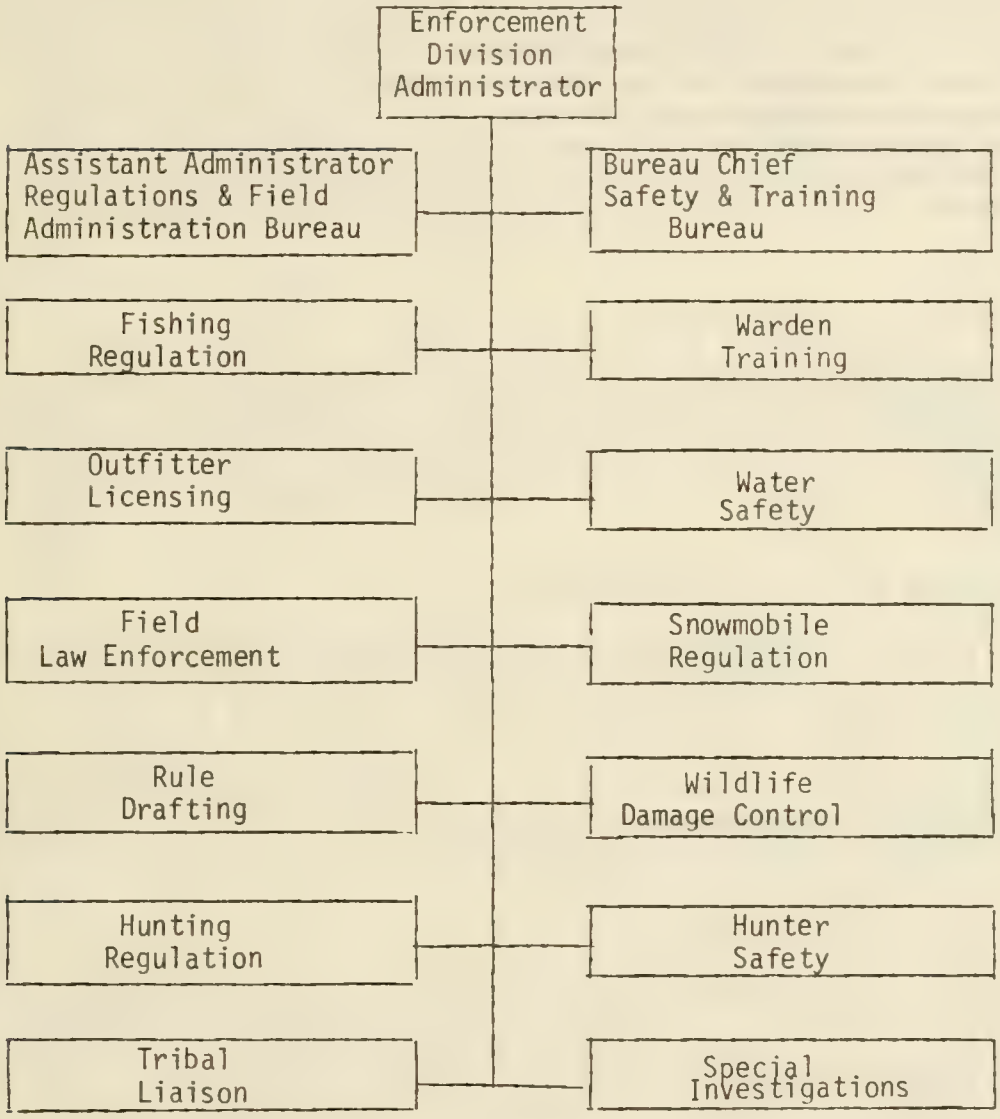
Many game wardens have been appointed deputy sheriffs in the counties they are stationed in, and they assist the sheriffs in performing law enforcement functions within the counties. In 1975, game wardens assisted local law enforcement agencies in 939 cases. Part of their training is in specialized schools at the Law Enforcement Academy in Bozeman.

Table B-21
Fish and Game Enforcement Division
Activities & Budget

	FY1974	FY1975
Creel Checks	40,586	35,776
Game Bag Checks	39,084	41,518
Notice to Appear and Complaint Forms Issued	3,614	2,539
Courtesy Citations Issued	876	841
TOTAL LICENSES SOLD	1,171,863	1,088,679

	FY1975
Personal Services	$1,472,839
Operations	485,341
Equipment	9,126
Capital Outlay	0
	$1,967,056
Earmarked Revenue	$1,905,973
Federal & Private Revenue	61,083
TOTAL	$1,967,056

ILLUSTRATION B-17
Department of Fish & Game Organization



Communications Division

The Communications Division of the Department of Administration was established in 1971 to specifically provide communications services and systems to all agencies of state government (ref: Section 82-3325, R.C.M. 1947). One full-time communications engineer is now dedicated to the Crime Control Division for user assistance, subgrant application preparation and review, system design and technical assistance, frequency coordination and licensing, and communications planning. The communications engineer is supported by the staff of the Division.

1) Subgrant assistance

The Division provides assistance to the Crime Control Division and law enforcement agencies in preparing subgrant applications for communications and other related electronic equipment to ensure that only the most economical, technically sound, and justifiable applications are submitted.

2) System design and specifications

The Division provides assistance in evaluating existing or proposed communications systems, designing new or modified systems, and preparing equipment and system specifications. The Division also makes the necessary recommendations to user agencies to ensure compliance with the state law enforcement communications plan and that only the most modern and suitable equipment is used.

3) Other technical assistance

The Division will provide available technical assistance addressing specific equipment and/or operational problems, limited on-site visits to investigate equipment malfunctions, or improper installation or operation of equipment, and will provide a library of reference and equipment data to user agencies.

4) Frequency coordination and FCC licensing

The Division provides the required frequency coordination for law enforcement agencies or law enforcement communications systems. The Division also assists agencies in obtaining new or amended FCC licenses and will ensure that all licenses are properly renewed and kept up-to-date.

5) Equipment procurement and vendor performance monitoring

Since the State Term Contracts for communications equipment are the responsibility of the Division, a more direct input is achieved for law enforcement communications. The Division assists the Crime Control Division and law enforcement agencies wishing to purchase communications or other related electronic equipment in bid specifications, bid advertisement, and the evaluation and awarding of bids if the required equipment is not available on a State Term Contract. The Division also will monitor subgrants after award to ensure that vendors meet all bid terms and specified delivery dates, installation terms, and equipment warranties, and that the proper equipment and optional items have been delivered.

6) Specific user needs

The Division will repeatedly survey and evaluate other specific communications needs to ensure that valuable time and effort is not wasted in needless investigations. Specific projects will be undertaken, but only after it is determined that these projects are in the best interest of the Crime Control Division and law enforcement communications. The Division, in cooperation with the Montana Law Enforcement Academy and the Montana Chapter of APCO (Associated Public-Safety Communications Officers), will continue to actively support and develop a training program for law enforcement communications personnel.

State Communications Plan

The state plan for Montana law enforcement radio communications was developed by the Electronics Research Laboratory (ERL) at Montana State University, adopted by the Board of Crime Control in 1971, and has since been modified by the Communications Division. The state plan is best presented as a list of frequencies (channels) together with their use or assignment. Such a list is displayed in illustration B-17.

There are several different kinds of channels: e.g., 39.82 is the statewide channel, included in almost all radio systems, and used by nearly all law enforcement other agencies. The Federal Communications Commission (FCC) has designated this channel for use by local government (LG) agencies and police agencies. Because it is an LG channel, it also may be used by wreckers and ambulances, and provides a "party line" on which all of these agencies can contact each other.

In contrast, 39.88 is a police-only channel, designated the statewide secondary channel. A license holder may permit a wrecker or ambulance on this channel if he desires, if such users provide a service to the license holder and agree in writing to abide by the FCC regulations governing the license for that system.

Early in the plan, 39.86 and 39.88 were called regional channels, but once the mobile relay station channel was included, 39.86 became a local channel and 39.88 became the statewide secondary channel.

Local channels are assigned to agencies that have enough radio traffic to justify the addition of such channels.

The mobile relay station channel (repeater) uses 39.56 input and 39.96 output with a repeater.

Special channels are designated for state agencies and these channels should be used only by the designated agencies.

Illustration B-18

MONTANA LAW-ENFORCEMENT RADIO FREQUENCIES (MHz)

39.500.....Local usage
39.520.....Missoula Co. SO
39.540.....Dept. of Justice, Investigation, Communications & I.D. Divn.
39.560.....Mobile Relay input (used with 39.960)
39.580.....Local usage
39.600.....State Agencies
39.620.....Kalispell PD and Montana State Prison
39.640.....Deer Lodge Co. SO and Flathead Co. SO
39.660.....Flathead Co. SO, Sanders Co. SO and Department of Revenue
39.680.....Montana State Prison and Powell Co. SO
39.700.....State-wide Mobile-to-mobile
39.720.....Gallatin Co. SO, Missoula PD and SO, and University of Montana
39.740.....Indian Tribal Police
39.760.....Glasgow PD, Lewis & Clark Co. SO and Yellowstone Co. SO
39.780.....Department of Livestock
39.800.....Ronan PD and Silver Bow Co. SO
39.820.....State-wide Primary
39.840.....Belt PD, Bozeman PD, Cascade Co. SO, Cascade PD & M.S.U.
39.860.....Local usage
39.880.....State-wide Secondary
39.900.....Department of Fish and Game
39.920.....Department of Justice, Highway Patrol Bureau
39.940.....Local usage
39.960.....Mobile Relay output (used with 39.560)
39.980.....Civil Defense and Local usage
154.725.....Billings PD
154.965.....Helena PD
155.010.....Billings PD, Butte PD and Eastern Montana College
155.100.....Helena PD
155.130.....Butte PD and Eastern Montana College
155.610.....Billings PD
155.895.....Mountain View School
453.050.....Great Falls PD
453.300.....Great Falls PD
453.750.....Great Falls PD
453.950.....Great Falls PD
458.050.....Great Falls PD
10525.000.....State-wide Radar

TONES (Hz) MOBILE RELAY STATIONS (39.560/39.960 MHz)

146.2 (1/A)....Patrick's Knob, 3 miles WSW of Paradise, Sanders County
151.4 (2/B)....Eaglehead Mountain, 32 miles S of Bozeman, Gallatin County
156.7 (3/C)....King Mountain, 5 miles ENE of Troy, Lincoln County
156.7 (3/C)....Porphyry Peak, 8 miles S of Neihart, Cascade County
162.2 (4/D)....Mount Maurer, 20 miles SSW of Dillon, Beaverhead County
167.9 (5/E)....Scalplock Mountain, 2 1/2 miles NE of Essex, Flathead County

July 8, 1976 - VLP

In 1972, by means of a convention and subsequent ratification, Montana produced a new Constitution, which became effective July 1, 1973. Although not initiating sweeping changes in the structure and operation of the judicial branch of government, nevertheless the document moved in the direction of widely advocated judicial reforms. Substantial amounts of implementing legislation have been required. The following description includes first, a discussion of the constitutionally retained traditional elements and the emerging forms and processes in the courts as mandated or encouraged by the new Constitution, and second, an examination of those statutes in the courts area which were not required for implementation of the Constitution, together with available information about the operation of courts, prosecution, and defense in Montana.

A. The State Constitution and the Administration of Justice in the Courts

(1) Declaration of Rights

The Montana constitutional counterpart of the federal Bill of Rights requires that justice in the state be administered by courts open "to every person," without "sale, denial, or delay," and that there be a "speedy remedy" afforded for "every injury of person, property, or character." Other individual rights relating to criminal justice in the courts are similar or identical to the rights guaranteed by the federal Constitution, with the following exceptions:

a. A "right to know" of governmental activities, a "right to participate" in governmental decision-making, and a "right to privacy" are included explicitly;

b. The state "search and seizure" provision is more limited than the comparable federal guarantee by phrasing the language of the right in the alternative rather than in the conjunctive;

c. Sovereign immunity is abolished for the state and all its political subdivisions. Draft legislation is being prepared in certain areas to clarify limitations on governmental liability. Court rulings have established that each subdivision will bear whatever liability may be incurred by its employees acting within the scope of their employment.

d. All criminal actions brought in courts of general jurisdiction (i.e., felonies and some misdemeanors in state district courts) must be initiated by informations following upon certain prescribed procedures, while criminal actions initiated in courts of limited jurisdiction (misdemeanor charges in justice courts or city courts) may be begun by complaints;

e. All accused persons are to be bailable, except for capital offenses. (The state supreme court has held that this provision does not apply to bailability pending appeal and more generally, that the presiding judge has wide discretion in fixing bail);

f. No person may be detained for the purpose of giving testimony longer than necessary to take his deposition;

g. A defendant may waive a jury trial in a felony or misdemeanor case, but if the cause is tried to a jury the decision must be unanimous; and

h. Convicted persons are restored to full civil rights upon "termination of state supervision."

(2) Jurisdiction and Organization of the Courts

The judicial power of the state is vested in a three-tiered structure of appellate, general, and limited jurisdiction represented constitutionally by the state supreme court, district courts, and justice courts. The legislature may create other courts within this general framework. City courts of limited civil and criminal jurisdiction, municipal courts, and small claims courts have been permitted legislatively.

The state supreme court is the single appellate court in the true sense. Appeals from courts of limited jurisdiction to district courts must be trials de novo. The supreme court has original and concurrent jurisdiction over extraordinary writs. Its theoretical administrative authority over bench and bar is broad, including "supervisory control over all courts," the power to make all rules of practice and procedure subject to disapproval by the legislature, and the authority to regulate admission to the bar and the conduct of its members.

The Constitution mandates a supreme court of no fewer than five justices (the current number) and permits the legislature to increase the membership to seven. In the event of disqualification or disability of the chief justice or a justice, a district court judge may be substituted, with his opinion having the full effect of that of a justice.

District courts are the courts of general jurisdiction, with original and exclusive jurisdiction over all felonies, original jurisdiction over all cases in law and equity, and the power to issue such writs as are "appropriate to (their) jurisdiction." The Constitution allows the legislative delegation of additional jurisdiction, illustrated in practice, by the adoption of the Youth Court Act, giving original and exclusive jurisdiction of all juvenile matters to the district courts excepting only certain traffic and fish and game violations, and by the Dangerous Drug Act which places exclusive jurisdiction over drug offenses in the district courts.

The number and boundaries of judicial districts and the number of judges in each district are determined by the legislature subject to constitutional limitations prescribing that each district must be compact and bounded by county lines and that any redistricting must not result in removal of an incumbent judge. A degree of administrative flexibility in allocating caseloads among district judges and providing back-up judicial coverage in case of disqualification or disability is encouraged by constitutional permission to the chief justice to make a temporary assignment from one district or county to another if so requested by a district judge. Currently there are 18 districts in Montana, ranging in size from 715 square miles, to more than 23,000 square miles, and in population from about 10,000 to nearly 120,000. These districts are served by 28 judges, with no district having more than three judges and with 11 single-judge districts. Currently, a committee of the Legislative Council is considering proposals that would add a district and increase the number of judges in one or more multi-judge districts.

The constitutionally established courts of limited jurisdiction are the courts of the justices of the peace, or the justice courts. They are denied jurisdiction over felonies except for initial appearances and preliminary hearings. Otherwise, the legislature specifies their original jurisdiction, which presently includes most civil cases where a recovery will not exceed $1,500, all misdemeanors punishable by a fine not exceeding $500 or imprisonment not exceeding six months with some exceptions, as noted above, where the legislature has lodged exclusive jurisdiction in the district courts), and the disposition of all arrests made by the Highway Patrol.

There must be at least one justice of the peace in each of the 56 Montana counties, but the Constitution allows the Legislature to provide additional justices of the peace. In 1974, the Legislative Assembly re-delegated this decision to the county commissioners by giving the commissioners discretion to constitute an additional justice of the peace per county. Prior to the effective date of the 1974 legislation, there was a justice of the peace in each township in Montana, or a total of 154. At present, there are 92 justices of the peace, 36 Boards of Commissioners having elected to establish an additional justice in each of those counties.

(3) Judicial Selection, Qualifications, Tenure, and Removal

Constitutional prescriptions and procedures for judicial qualifications, selection, salaries, tenure, and removal are similar for justices of the supreme court and for judges of the district courts. The basic selection process for the judiciary in Montana is non-partisan election. The term of office for the chief justice and the justices of the supreme court is eight years; for district judges, six years. To be eligible for the supreme court bench or for a district judgeship, a candidate must be a U.S. citizen, a resident of the state for two years immediately preceding the taking of office, and must have been admitted to the practice of law in Montana for five years. Judicial salaries are left to legislative discretion, with the proviso that they shall not be diminished during a term of office. Currently, the chief justice receives a salary of $28,000; the justices, $27,000; judges, $25,000. District judges' salaries are paid by the state, as are their expenses for travel, but the administrative costs of district courts are borne by the counties. Statutes provide for a judicial retirement plan, with contributions made by the judge or justice and by the state. Proposals are being framed for consideration by the 1977 Legislative Assembly which would increase judges' salaries and provide for state assumption of all costs of district court operation.

Vacancies in the office of supreme court justice or district court judge are filled by gubernatorial nomination, with confirmation by the Senate.

The Governor's choice must be made from among "nominees selected in the manner provided by law." This constitutional directive was implemented legislatively in 1974 by the creation of a Judicial Nominations Commission, composed of seven members. Four members are appointed by the Governor to four-year terms. These must be neither judges nor attorneys, and are to be selected from different geographical areas of the state and representative of different industries, businesses, or professions. Two members are attorneys appointed by the supreme court, one from each congressional district. One member is a district judge, elected by the district judges in a special election regulated by the chief justice. The latter three members will also serve four-year terms after the initial appointment-staggering provisions in the statute expire. None may be a candidate for judicial office during his tenure on the Commission. Within 30 days from the date of a vacancy, the Commission must send to the Governor a list of not fewer than three nor more than five persons, from among whom the Governor must make the nomination. If he fails to do so within 30 days, the chief justice may make the nomination, according to the statute.

Supreme court justices and district court judges are required by the Constitution to face a retention election. That is, if a judge or justice is running as an unopposed incumbent, his or her name appears on the ballot together with an opportunity for the voters to accept or reject the incumbent. If rejected, the selection process involving the Judicial Nominations Commission is initiated.

In the two years since these procedures were established, two vacancies occurred on the district court bench and were filled by the process outlined above. One supreme court justice has been elected on a retention ballot.

Two methods are provided by the 1972 Constitution for removal of supreme court justices and district court judges: impeachment; and removal by the supreme court upon recommendation of the Judicial Standards Commission.

The House of Representatives, upon a two-thirds vote, may impeach a judicial officer for a felony or misdemeanor or malfeasance in office. A two-thirds vote is again required for conviction by the Senate. Removal from office is the only penalty attaching to conviction.

The procedure which depends upon recommendations made by the constitutionally mandated Judicial Standards Commission is broader in scope and more flexible in theory (although as yet unused in practice) than the stark and cumbersome impeachment process. The Commission must investigate complaints, for which purpose it is granted the aid of subpoena powers. Upon its recommendation, the supreme court may retire, censure, suspend, or remove any justice or judge from office. Forced retirement is the option available for a judicial disability "that seriously interferes with the performance of his duties and is or may become permanent." Causes sufficient for censure, suspension, or removal are willful misconduct in office, willful and persistent failure to perform the duties of the office, or habitual intemperance. The rules of the Commission have interpreted its mandate to apply to all judges, justices of the peace, and police judges. The rules further provide that proceedings involving the Commission are and remain confidential until or unless the Commission, after investigation and a hearing, makes formal recommendation for censure, suspension, or removal. To date, no such recommendation has been made.

Among other significant Commission rules are those which deal with due process requirements for notice and an opportunity for a hearing for the charged judge; additional personnel to expedite the work of the Commission, i.e., an attorney-investigator and/or a special master to be appointed by the supreme court upon Commission request; and provision for the Commission's submission of a recommendation upon a finding of good cause.

Enabling legislation in 1973 defined the composition of the Commission as follows: two district judges from different judicial districts, elected by the district judges and certified to the clerk of the supreme court; and two citizens from different congressional districts who are not attorneys nor active or retired judges of any court, appointed by the Governor. After commencing with staggered terms, all will serve for four years (unless a judge is defeated in an election in the interim, whereupon he will cease to serve on the Commission).

In regard to justices of the peace, the Constitution dictates only terms of office (four years) and the provision and maintenance of "dignified surroundings." The specification of qualifications, training, and monthly compensation of justices of the peace was relegated to the legislature.

By law, justices of the peace must be elected on the same kind of non-partisan ballot as are district court judges and supreme court justices. Each position in the county is to be numbered by the county commissioners, and a candidate for justice of the peace must indicate the number of the office which he seeks. Qualifications are the same as those for voters generally, but before the justice may take the oath of office he must satisfy the county clerk that he is either (a) an attorney authorized to practice law in Montana, or (b) a person who has held the office of justice of the peace within the preceding five years, or (c) a person who has completed (if elected) or agreed to complete (if appointed) an orientation course held by the University of Montana School of Law. If a vacancy occurs in the office, it may be filled by appointment by the county commissioners.

Salaries of justices of the peace are set by resolution of the county commissioners, but they may not be reduced below statutory minimums. Prior to the adoption of the 1972 Constitution, most justices of the peace received as compensation for their services the fees and fines exacted in their courts; some, in counties of relatively high population, also had statutory floors supporting a minimum compensation. The present minimums involve a computation based on prior compensation. If the previous salary of a justice of the peace was determined by fees, he may now receive a monthly compensation not less than one-eighteenth of the total fees collected by himself or his predecessor in 1971 and 1972. If the salary was formerly non-fee-based, he may be paid no less than the maximum received by himself or his predecessor for 1971 and 1972. All criminal and civil fees and fines received by a justice court must be turned over to the county treasurer, with the exception of certain "miscellaneous fees" (for marriages, authentication of documents and the like), which the justice of the peace may retain.

Statutes have fleshed out the "dignified surroundings" constitutional mandate to require each board of county commissioners to furnish to local justices of the peace (a) the office, courtroom, and clerical assistance necessary, (b) books, records, and supplies necessary to keep the records and files of the office, (c) the latest edition of the Montana codes, and (d) all actual and necessary expenses.

B. The Operation of the Judicial Branch and the Administration of Justice

(1) Resources and Capabilities for Coordination, Planning, and Implementation

During the past year, significant steps have been taken toward improving the resources and capabilities of the judicial branch for planning and implementation. Catalyst and focal point for the developments has been a state court administrator, appointed by the chief justice in September, 1975, and funded by the SPA. With the establishment of an office for court administration, a vehicle became available for the exercise of the broad administrative supervisory authority of the state supreme court. Another factor in the recently acquired ability to assess and improve judicial branch resources and capabilities has been a broad-based coordination of judicial branch efforts with courts-related activities originating in other branches of government and in the citizen sector.

Organizations, agencies, and committees involved in the trend toward upgrading the resources needed to improve court services included the Montana Judges' Association, the Supreme Court Commission on Lower Courts, the Montana Magistrates' Association, the Association of Clerks of Court, the Legislative Council interim Subcommittee on the Judiciary, the Montana Justice Project, the Youth Justice Advisory Council and the Juvenile Justice Special Emphasis Council, the Governor's Commission on Local Governments, the Governor's Office of Budget and Planning, the Crime Control Division, the League of Women Voters of Montana, and the Montana Citizens for Court Improvement. Less directly involved have been the law school, the Association of County Attorneys, the Montana Association of Counties, the Montana League of Cities and Towns, the Montana Criminal Defense Lawyers' Association, and the State Bar of Montana.

Initial priorities centered on the immediately feasible, and beginnings were made in the following specific areas of courts operations:

a. Administrative unification of Montana courts:

By administrative action and court order, the processing of claims and grants at appellate and trial court levels were centralized and expedited, the satellite committee and commission structure of the judicial branch was invigorated, liaison and communication among courts personnel and between the judicial branch and the other branches of government were vastly improved, and a basis for uniform recordkeeping and accounting was instituted for justice courts (effective January 1, 1977). See sample forms, exhibits following.

Exhibit A
Introduction
to

UNIFORM ACCOUNTING SYSTEM

MANUAL FOR JUSTICE COURTS

A Uniform Accounting System for Montana Justice Courts has been formulated and prescribed by the Commission on Lower Courts. This System has been approved by the Montana Supreme Court for use in and by all Justice Courts in Montana.

The purpose of this manual is to explain and describe the procedures and forms used so that every Justice of the Peace can properly implement them in his or her Justice Court. Adherence to the prescribed system will promote efficiency, accuracy, and uniformity in court accounting and reporting.

The accounting system as a whole consists of the following parts:

1. pre-numbered "spot carbon" receipts
2. a trust account "cash receipts" journal
3. a peg board and binder
4. a bank trust account
5. a Time Payment file card system
6. pre-numbered dockets
7. financial cash receipts and disbursement journals
8. a monthly report form summarizing the contents of the financial journals.

TYPICAL TIME PAYMENT FILE CARD

(Exhibit B)

REVERSE SIDE

TIME PAYMENT AGREEMENT

I agree to pay said ☐ fine ☐ restitution ordered by this court in the following manner, to wit:

☐ In full on or before the ___ day of _____ 19___, in the amount of $_____.

☐ In installments, with the first installment being paid on the ___ day of _____ 19___, and each subsequent payment will be made on or before the ____ day of each subsequent month until the total amount of $_____ is paid.

DATE: _____ _____
Signature of Defendant

TYPICAL AGREEMENT

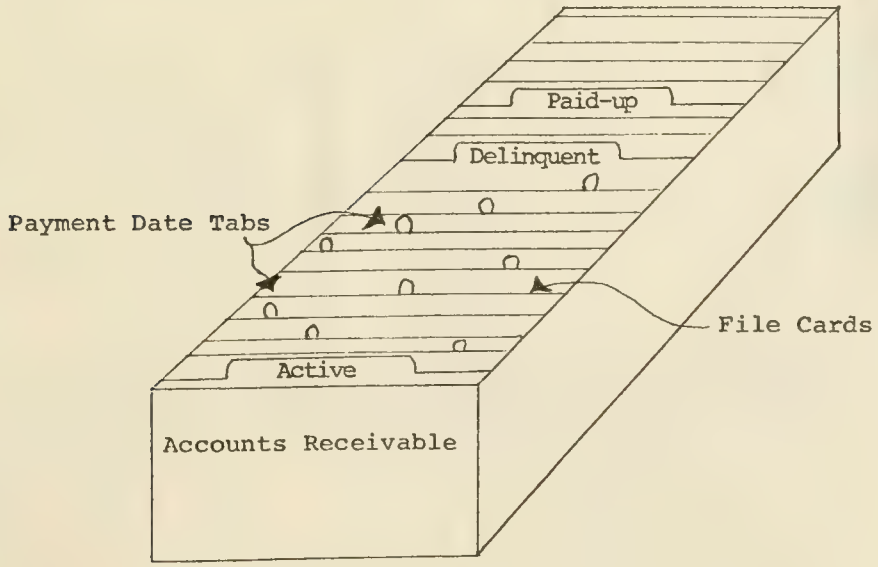
FRONT SIDE

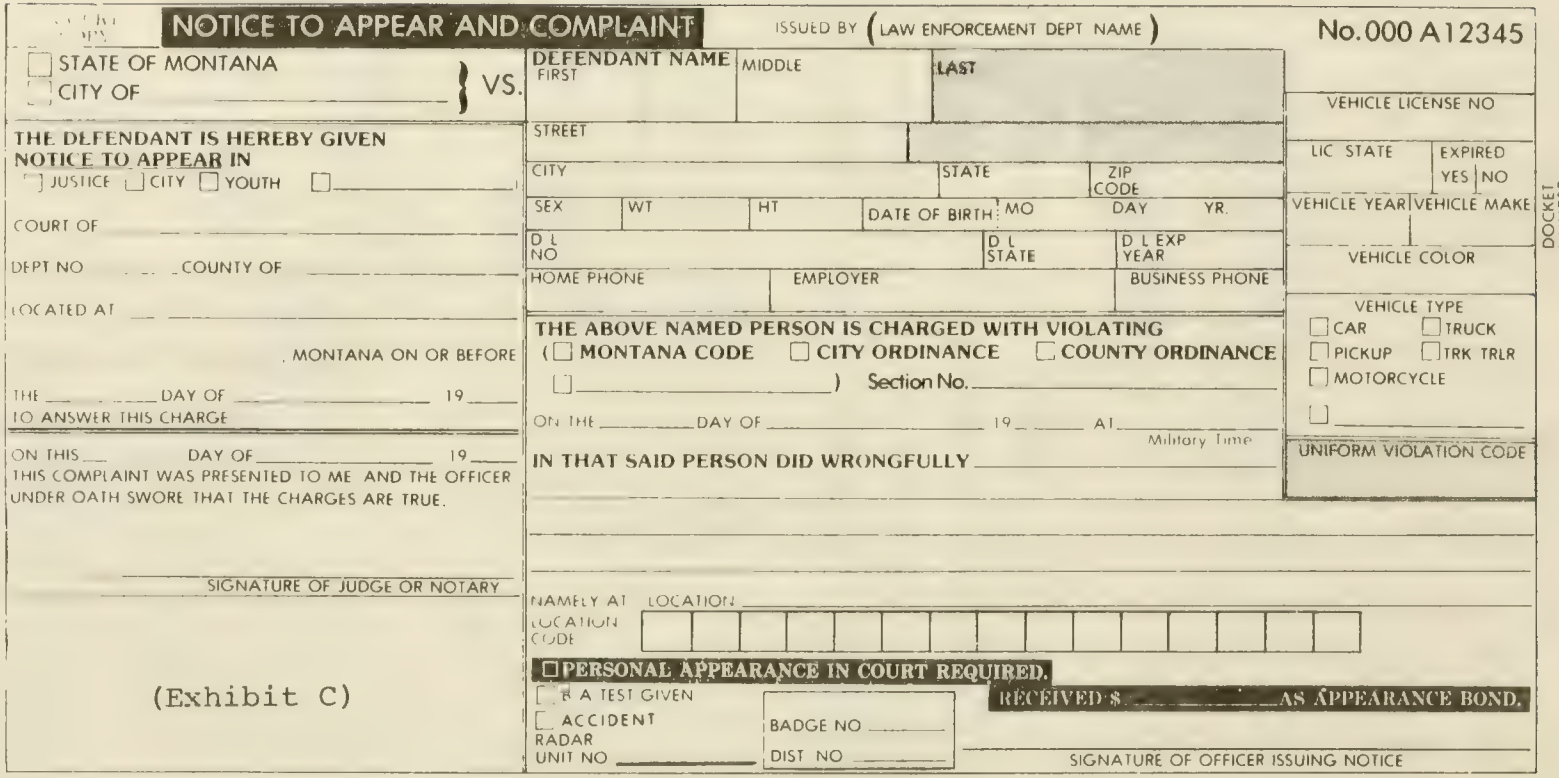
IN THE JUSTICE COURT OF _____ 101

Defendant's Name _____ Docket No.

date due	date rec'd	receipt no.	amount	balance

TYPICAL FILING SYSTEM





NOTICE TO APPEAR AND COMPLAINT

ISSUED BY (LAW ENFORCEMENT DEPT NAME)

No. 000 A12345

☐ STATE OF MONTANA
☐ CITY OF _____ } VS.

DEFENDANT NAME FIRST | MIDDLE | LAST

VEHICLE LICENSE NO

STREET

LIC STATE | EXPIRED YES | NO

CITY | STATE | ZIP CODE

SEX | WT | HT | DATE OF BIRTH: MO DAY YR.

VEHICLE YEAR | VEHICLE MAKE

D L NO | D L STATE | D L EXP YEAR

VEHICLE COLOR

HOME PHONE | EMPLOYER | BUSINESS PHONE

DOCKET NUMBER

THE DEFENDANT IS HEREBY GIVEN NOTICE TO APPEAR IN
☐ JUSTICE ☐ CITY ☐ YOUTH ☐ _____

COURT OF

DEPT NO _____ COUNTY OF

LOCATED AT

, MONTANA ON OR BEFORE

THE ____ DAY OF _____ 19____
TO ANSWER THIS CHARGE

ON THIS ____ DAY OF _____ 19____
THIS COMPLAINT WAS PRESENTED TO ME AND THE OFFICER UNDER OATH SWORE THAT THE CHARGES ARE TRUE.

SIGNATURE OF JUDGE OR NOTARY

THE ABOVE NAMED PERSON IS CHARGED WITH VIOLATING
(☐ MONTANA CODE ☐ CITY ORDINANCE ☐ COUNTY ORDINANCE
☐ _____) Section No. _____

ON THE _____ DAY OF _____ 19____ AT _____ Military Time

IN THAT SAID PERSON DID WRONGFULLY _____

VEHICLE TYPE
☐ CAR ☐ TRUCK
☐ PICKUP ☐ TRK TRLR
☐ MOTORCYCLE
☐ _____

UNIFORM VIOLATION CODE

NAMELY AT LOCATION _____

LOCATION CODE

☐ PERSONAL APPEARANCE IN COURT REQUIRED.

☐ A TEST GIVEN
☐ ACCIDENT
RADAR
UNIT NO _____

BADGE NO _____
DIST NO _____

RECEIVED $ _____ AS APPEARANCE BOND.

SIGNATURE OF OFFICER ISSUING NOTICE

(Exhibit C)

(Exhibit D)

CRIMINAL DOCKET NO. _____

Dept. No. _____

STATE OF MONTANA, Plaintiff,)
)
- vs -)
)
_____)
)
_____)
Defendant.

_____
Attorney for State

_____
Attorney for Def.

(State ( )
(Co. Tr. ( )
(H. P. ( )
(G.V.W. ( )
(F & G ( )
(Other ( )
(
(

COMPLAINT Uniform Notice to Appear No. _____

Offense Charged _____

Statute _____ Date filed _____

Complainant examined under oath, probable cause found, Yes ( ) No ( )

Complaining Witness _____

PROCESS ISSUED

Date _____ Warrant _____ Summons _____ Notice to Appear _____

Amount of Bail endorsed on Warrant $ _____

BAIL

Received from Officer pursuant to Bond Schedule $ _____

Bond set by Court _____ Final Disposition _____

How Bond Furnished _____

INITIAL APPEARANCE (95-902)

Date Rights given _____

ARRAIGNMENT (95-1606)

Date held _____

PLEA (Misdemeanor)

Guilty _____ Not Guilty _____

PRELIMINARY HEARING (Felony)

Waived _____ Requested _____ Set for _____

Probable cause found Yes _____ No _____

Date sent to District Court _____ _____

TRIAL

Jury Waived _____ Set for _____

Notice given, By _____ Date _____

JUDGMENT AND SENTENCE

USE REVERSE SIDE FOR ADDITIONAL MINUTES

FINANCIAL RECORD

Costs Charged (where applicable)

Filing fee $ _____

Trial fee $ _____

Witness fees $ _____

Juror fees $ _____

Amount Collected on Fine $ _____

Collection & Disbursement Journal Page No. _____

Certified and Approved

_____
Justice of the Peace

Exhibit E

IN THE SUPREME COURT OF THE STATE OF MONTANA

RE: JUDICIAL INFORMATION SYSTEM/CASE REPORTING

O R D E R

The Montana Supreme Court has delegated the task of collecting, analyzing and reporting statistics and other pertinent information about the work of the judicial branch to its court administrator; and

The Montana Clerks of Court Association has implied preferences for a uniform case reporting system rather than each county clerk of court preparing monthly statistical compilations; and

The Court hopes the uniform case reporting system will enable the clerks of court to actively participate in a program that will further the efficiency and understanding of Montana's Judicial Branch with a minimum of inconvenience; and

The Court's administrator and staff has sought the clerks' advice over the past five months to develop cooperatively this beginning uniform district court case reporting system; and

The Court, having employed additional personnel, so as to assist the clerks in understanding the proposed information process, sends its representatives to the Montana Clerks of Court Association convention in June to learn further recommendations the clerks may wish to offer for its consideration; and

Now, therefore following the concurrence of the Executive Board of the Montana Clerks of Court Association, it is ordered that the Clerks of the District Court in each of the fifty-six counties, upon receipt of forms, commence reporting their cases filed and cases disposed on the forms provided by the court administrator. Filings and dispositions are to be recorded immediately after statutory records are completed in each phase, and the appropriate form is to be forwarded to the Supreme Court Administrator as soon as the respective sections--filing, disposition, aftermath--are completed.

DATED this 14th day of June 1976.

Chief Justice

Exhibit F

Exert sufficient pressure w/a hard point pen

MONTANA DISTRICT COURT
JUDICIAL INFORMATION SYSTEM/CASE REPORT

Filing Information (Send first sheet to Helena when this section is completed.)

District # _____
County _____
Case # _____
Filing date __/__/__
Assigned judge _____

Type of action
☐Original
☐Reopened

Criminal	Civil	Youth Court	Probate	Other
Code No:	Specify action:	☐Delinquency	☐Supervised	Specify action:
_____	_____	☐Nondelinquency	☐Nonsupervised	_____
			☐Formal	

Disposition Information (Send second sheet to Helena when this section is completed.)

Trial Data:

☐Jury
☐Nonjury

Type of counsel
☐Retained
☐Court Appointed
☐Self-Represented

Trial Attorneys
Plaintiff
_____
Defendant
_____

Trial date set on: __/__/__
for: __/__/__
Total no. of deviant working days _____
Total disqualifications _____ (substitutions)

Start of Trial __/__/__

Trial Judge _____

End of Trial __/__/__

Additional Remarks:

_____
_____
_____
_____

Final Disposition:

Date judgement rendered:
__/__/__

Judgement Rendered
☐Guilty
☐By Plea
☐By Verdict
☐Acquittal
☐Dismissal
☐Default
☐For Plaintiff
☐For Defendant
☐Damages Awarded
_____
☐Change of Venue
to _____
☐Other

Date of sentencing __/__/__
☐Presentence Investigation

Place	Length/Amount of Sentence
☐County Jail	_____
☐Penitentiary	_____
☐Deferred Imposition	_____
☐Suspended Sentence	_____
☐Fine/Costs	_____
☐Dept. of Institutions	_____
☐Girls School	_____
☐Boys School	_____
☐Foster Home	_____
☐Group Home	_____
☐Probation	_____
☐Other	_____

Aftermath Information (Send third sheet to Helena when this section is completed.)

Contested Judgement (Explain) Date: __/__/__

_____
_____
_____

Aftermath Action (Explain) Date: __/__/__

_____
_____
_____

NOTE:

(Retain fourth sheet in permanent case file.)

Exhibit G

INSTRUCTIONS:

For every new criminal action filed you must place one set (1 white & 1 yellow) page in front of each court file. Fill in dates and blanks as the case progresses. When a case is disposed of by judgment, dismissal, etc., tear off at perforation and forward the white copy to the Montana Board of Crime Control.

Should there be further activity as to a deferred sentence or revocation, it will be necessary, when completed, to mail in the balance of the white page to the Montana Board of Crime Control, 1336 Helena Ave., Helena, MT 59601

POST-SENTENCE REVOCATION/DISMISSAL DATA (DEFERRED AND SUSPENDED ONLY)

__/__/__ REVOCATION PETITION _____ DOCKET # _____

__/__/__ REVOCATION HEARING

__/__/__ FINAL ACTION TAKEN

__/__/__ DISMISSAL ON DEFERRED SENTENCE

DOCKET # _____ COUNTY _____ DISTRICT # _____

NAME _____ IDENTIFICATION # _____

PRETRIAL [ ] J.P. TRANSFER [ ] PRELIMINARY HEARING

__/__ [ ] DIRECT [ ] APPEAL J.P. [ ] APPEAL POLICE CT. DATE __/__/__

CHARGES AT TIME OF FILING _____ STATUTE # _____

[ ] PRIVATELY RETAINED

__/__/__ FIRST APPEARANCE (IN DIST. COURT) TYPE OF COUNSEL [ ] COURT APPOINTED

[ ] PUB. DEFENDER

__/__/__ ARRAIGNMENT INITIAL PLEA [ ] GUILTY [ ] NOT GUILTY

REASONS FOR DELAY OF ARRAIGNMENT [ ] CONTINUANCE [ ] DEF. AT LARGE [ ] PSYCH. EVAL.

[ ] OTHER _____

CHARGES AT TIME OF ARRAIGNMENT _____ STATUTE # _____

__/__/__ AMENDED INFORMATION

__/__/__ INITIAL BAIL $ _____ __/__/__ OWN RECOGNIZANCE __/__/__ RELEASE

__/__/__ REDUCTION OR FINAL BAIL $ _____

__/__/__ CHANGE OF PLEA PLEA GIVEN [ ] GUILTY [ ] NOT GUILTY

CHARGES AT TIME PLEA CHANGED _____ STATUTE # _____

PRETRIAL MOTIONS [ ] SUPPRESS EVID. [ ] QUASH INFO. [ ] PRODUCE EVID. [ ] OTHER _____

[ ] COMMITMENT TO WARM SPRINGS

DISMISSAL [PRETRIAL]

__/__/__ DISMISSAL [ ] UPON MOTION OF COUNTY ATTORNEY

REASON FOR DISMISSAL

[ ] INSUFF. EVID. [ ] INT. OF JUSTICE [ ] CHARGES UNFOUNDED [ ] OTHER

TRIAL

__/__/__ BEGUN __/__/__ ENDED __/__/__ FOUND [ ] GUILTY

[ ] NOT GUILTY

IF FOUND GUILTY

CHARGES UPON TRIAL DETERMINATION

STATUTE # _____

SENTENCE

__/__/__ [ ] PRESENTENCE INVESTIGATION ORDERED [ ] WAIVED

__/__/__ JUDGMENT OR SENTENCE

CHECK ALL RELEVANT BOXES AND INDICATE THE TIME TO BE SPENT IN THAT PORTION OF THE JUDGMENT.

[ ] CONVICTED OF MULTIPLE CHARGES OR COUNTS [LIST ADDITION INFOR. BELOW]

[ ] CONFINEMENT, PRISON TIME _____ JAIL TIME _____

[ ] SUSPENSION OF SENTENCE, TIME _____

[ ] DEFERRED IMPOSITION OF SENTENCE, TIME _____

[ ] FINE $ _____ [ ] PRIOR CHARGE _____

[ ] PRIOR CONVICTION _____

SPECIAL CONDITIONS [ ] ALCOHOL TREATMENT [ ] DRUG REHAB. [ ] WORK RELEASE

[ ] RESTITUTION ADDITIONAL INFOR.

[ ] CONCURRENT OR [ ] CONSECUTIVE SENTENCES

[ ] COMMITMENT TO WARM SPRINGS; TIME

__/__/__ APPEAL MADE, FINAL DETERMINATION

Legislation already drafted for consideration of the January, 1977, legislative session would establish increased administrative capabilities within the office of the court administrator. Other proposals being formalized for introduction as bills include state assumption of all the costs of district and justice courts.

b. The establishment of a judicial information system at the trial court level:

On July 1, 1976, the office of the court administrator, with the cooperation of the Association of Clerks of Court, launched an experimental effort to establish a case-by-case reporting system for courts of general jurisdiction. See sample reporting form on page 133. It is anticipated that the form design, reporting procedures, and the collation and analysis of judicial statistics will be modified on the basis of experience. At the time the reporting effort was initiated, the court administrator hired two students to travel the state to collect, directly from court records, similar data back to January 1, 1976.

This initial data-gathering effort is directed primarily at the production of statistical reports of courts operation for consideration by the legislature in connection with judicial budget requests for the 1977-1979 biennium. However, the development of a judicial information system to serve the needs of court policy-making and management is conceived as a continuing effort. See attached copy of court order on page 132. Draft legislation would mandate such an activity as part of court administrative functions.

In addition to the fledgling information system in the courts, substantial data on courts operations has been collected in the course of the year by the SPA, the research staff of the Legislative Council, and the Commission on Local Governments. The Legislative Council and the Commission on Local Governments conducted one-shot studies which provided useful baseline data for continuing information collection and analysis. Clerks of court report information about criminal case dispositions to the SPA on a case-by-case basis. See form on page 134. It is hoped that, as an information system is perfected, the court administration effort and that of the SPA may be merged into a single activity that will serve the needs of both agencies;

c. Planning for improved in-service court-related education and training.

From 1969 through mid-1975, the SPA funded 35 trips by justices, judges and justices of the peace to out-of-state training seminars or courses. Most of those attended by appellate and trial judges were in connection with the Five-State Judicial Conference or dealt with subjects related to juvenile justice. In addition, inter-disciplinary workshops on juvenile justice were held in Montana, the SPA funded the first annual training sessions for judges of courts of limited jurisdiction, and some training was extended to clerks of court in connection with SPA reporting.

Legislation proposed by the Legislative Council interim Subcommittee on the Judiciary would mandate in-service training for all Montana judges. Annual training sessions for justices of the peace are now required.

In 1976, SPA programs budgeted for in-service court-related training were transferred to the office of the court administrator for implementation according to equitable standards and criteria developed cooperatively. A comprehensive in-service training plan, including in-state and out-of-state elements and individual audio-visual training aids, has been developed for 1977 for judges of appellate, trial, and lower courts and for clerks of court, court reporters, court administrative staff, and other court personnel;

d. Planning for increased support services for court operation.

A study of redistricting by the Legislative Council interim Subcommittee on the Judiciary pointed out the need for support services for district court judges rather than significant necessities for re-aligning districts or creating additional judgeships. See data submitted under sections on resources and capabilities in manpower, workload, etc.

Needs in the area of legal research assistance are being addressed by the establishment of a Legal Information Center at the law school about September 1, 1977, and by proposed legislation that would permit certain trial court judges in districts of heavy caseload to employ law clerks. Draft legislation also would permit the employment of secretaries by trial court judges and would bring court reporters into the court administrative structure. The establishment of a Legal Information Center is underwritten by a discretionary grant from LEAA. Current proposals provide for its continuance and for the addition of support services mentioned above from the state general fund as a part of an expanded judicial budget.

(2) The Supreme Court - Resources and Capabilities.

As previously noted, the Court has broad administrative and procedural powers over bench and bar. Among its other responsibilities, it is the final authority regulating the conduct of lawyers and judges. Within the past decade, the Court has adopted canons of judicial and professional ethics. Acting upon recommendations of the Commission on Practice, it has found reason in the last two years to disbar two lawyers. In 1974, the Court issued an order unifying the Montana bar effective July 1, 1975.

The Court has participated in recent years in updating and codifying the criminal statutes and the rules of criminal, civil, and appellate procedure, and has sponsored a study of the lower courts, a codification of rules of evidence, and the clearing of long-pending probates. Administrative measures and trends are discussed in the section on the office of the Court Administrator.

a. Facilities

The Supreme Court and the State Law Library are housed on one floor of a wing of the Capitol. The courtroom is a former Senate chamber, circular, with a visitors' gallery. Each justice has an office. Law clerks usually must share offices. There is a copier and other basic office equipment. Space is available for two to three secretaries.

The State Law Library contains 40,000 to 60,000 volumes, housed in an area designed for a much smaller collection. Older Reporters, treatises, etc., are stored in the Capitol basement. Workspace for researchers and the practicing bar consists of eight tables in the center of the stacks. The area is not air conditioned. There is a small copier. The offices of the librarian and those of several law clerks abut the library.

The Clerk of the Supreme Court is housed in two rooms on another floor of the Capitol.

Court offices and the library have benefited from some minor refurbishing this year; i.e., paint and the replacement of some carpeting.

b. Manpower

The personnel of the Court proper includes the chief justice, four associate justices, five to seven law clerks, a law librarian, and two secretaries. The chief justice receives $28,000 in annual salary. Associate justices are paid $27,000. All participate in the judicial retirement plan. The justices are the lowest-paid members of a court of last resort in the nation.

Law clerks are employed on an annual basis at about $13,500. A clerk may stay for two years, but a single year's clerkship is more common, and it is not unusual for a clerk to resign in mid-year if more remunerative employment becomes available. Frequently, clerks are recent graduates of out-of-state law schools. Traditionally, allowance has been made for one clerk per justice, but in the increase in caseload in 1975-1976 (detailed below) prompted the Court (with funding assistance from the SPA) to employ two additional clerks. No woman has ever clerked for the Court.

The Court's legal secretaries are long-term employees, compensated at the local rate.

The office of the Clerk of the Supreme Court is staffed by three persons: the clerk, a deputy clerk, and a secretary. Statute requires that the clerk is to be elected to a six-year term at a salary of $14,000.

The Law Librarian is also paid about $14,000. This year, upon the retirement of a long-term librarian, a new librarian was hired. The Court required a degree in library science and some law library experience. In the past, the librarian has been responsible for issuing the State Reporter, a bi-weekly compendium of recent rulings. At this writing, it is not known whether this duty will be required of the new librarian. The law librarian has no staff.

c. Workload

The caseload of the Supreme Court has been increasing slowly over the past five years, as in shown in Table B-22.

Table B-22
Proceedings Filed
Supreme Court of Montana
Original Actions, Civil Appeals, Criminal Appeals
Calendar 1970 - 1975

	Original Proceedings	Civil Cases	Criminal Cases	Yearly Totals
1970	68	102	19	189
1971	62	111	24	197
1972	69	145	22	236
1973	85	124	30	239
1974	83	155	31	269
1975	113	149	37	299
TOTALS:	480	786	163	1,429

Appeal in Montana is a matter of right. Although the number of appeals has increased in both the civil and criminal categories, the largest increment has been in cases where the Court has taken original jurisdiction usually by the issuance of extraordinary writs. The Montana Court is generous in the issuance of "writs of supervisory control," which, in effect, are interlocutory hearings. Indications are that caseload figures will rise significantly in 1976, as the Court has been hearing up to 45 oral arguments in some months.

The percentage of criminal appeals heard to total appeals taken has stayed very much the same over the past five years; i.e., in the 11% to 12% range. It is anticipated that recent U.S. Supreme Court rulings reducing access to federal courts in state criminal cases may move that percentage upward in coming months.

Despite the increase in caseload over the years, the Supreme Court has been able to avoid accumulating a backlog. Table B-23 demonstrates clearly that appellate delays in Montana result primarily from slowness in transcript preparation and in the filing of appellants' briefs.

Table B-23
Appeal Time Lags
All Trial Court Judgments Rendered and Appealed During 1974

Appeal Time Segments	Average	High	Low	# Cases
Trial court judgment Transcript filed	92 days	362 days	20 days	61
Notice of Appeal filed Transcript filed	49	159	0	8
Trial court judgment Appellant's brief filed	179	438	36	61
Appellent's brief filed Respondent's brief filed	63	200	9	54 (7 dismissed)
Respondent's brief filed Appeal Hearing	71	214	1	51 (3 dismissed)
Appeal Hearing set Appeal Hearing	8.4	285	0	51
Appeal Hearing Opinion Filed	60	227	6	51
Appeal Hearing Decision transmitted to trial court	77.5	260	27	51

d. Cost data

For fiscal 1976, the legislature appropriated $345,900 for salaries, wages, maintenance, and operation of the Court and the Office of the Clerk of the Supreme Court. Of this amount, the Court reverted approximately $40,000 to the state general fund. LEAA grants to the Court for operation of the office of court administration and for the employment of an additional law clerk totaled about $39,000. Expenditure and Employment Data for the Criminal Justice System, 1974, prepared under the direction of LEAA and the Social and Economic Statistics Administration, lists the 1974 expenditure of the Montana court of last resort at $243,000. The 1974 figure should include all or part of the increases in expenditures related to the most recent pay raises for the Justices. Although Court activity and expense have increased since July 1, 1974, it seems extremely unlikely that they have risen by nearly one-third. At present there is no clear explanation for the apparent discrepancy in the cost data.

Using the figures supplied to the SPA by the Governor's Office of Budget and Planning, the per capita cost of state supreme court operation in fiscal 1976 was approximately 46¢.

The legislative appropriation for the operation of the Court for fiscal 1977 is $360,919.

(3) Office of the Court Administrator -- Resources and Capabilities

Judicial administration was initiated in Montana in September, 1975, with the appointment of a court administrator by the chief justice. The position has been funded primarily by an SPA action grant. Expansion of administrative activities during the year was financed through a judicial budget allocation authorized by the 1975 legislature for court administration.

a. Facilities

The office of the court administrator is a one-room vestibule or reception area adjacent to the courtroom of the supreme court and to the chambers of the justices. It is equipped with three desks, chairs, a typewriter, a microfilm reader, bookcases, and files.

b. Manpower

The administrative staff is made up of the administrator, one full-time assistant, a part-time secretary and two summer interns who gather district court caseload data. Beginning salary for the administrator was $14,000. Initially, the assistant received $10,000. Compensation for both positions has been increased recently. No specific requirements for education or experience were initially established. The current administrator has a bachelor's degree, considerable graduate work in history and public administration, and accounting and auditing experience. The assistant administrator has a bachelor's degree in political science.

c. Workload

A 12-month period has not yet elapsed since the first appointment of a court administrator. Reliable cost data, including forecasts of costs of expansion of the operations of judicial administration, will be available about January 1, 1977.

(4) The Sentence Review Board

Any person sentenced to one year or more in the state prison may apply for review of the sentence by the Sentence Review Division of the Supreme Court. The Review Division comprises three district judges appointed by the chief justice, and an additional judge who may be designated to sit at a review hearing if the sentence to be reviewed was imposed by one of the judges serving on the Division.

Upon application in conformity with certain procedures, a sentence will be reviewed once as a matter of right. Hearings are held at the prison at least four times a year by the Division. Prisoners are entitled to be represented by counsel. Third-year students from the school of law at the University of Montana receive course credit for such representation.

When the Division receives a request for review, the sentencing judge and the county attorney from the county where the sentence was imposed are notified. The judge may transmit his reasons for imposing the sentence. The county attorney may represent the state at the hearing. The Division has access to presentence reports and any other relevant records or documents. The Division may impose any sentence that was available to the original trial judge. It may reduce or increase the penalty or allow the sentence to stand, and may order the sentencing judge to revise the sentence according to its recommendations. A decision of the Sentence Review Board may be made by any two of the judges at a hearing, and the decision is final and may not be appealed.

Legislative history of the 1967 establishment of the Sentence Review Division reveals that the intent was to provide a mechanism for equalizing disparate sentencing imposed for similar offenses. In practice, the Review Division tends to see its role as supplementary to that of the Board of Pardons and Paroles, taking into consideration such factors as behavior within the prison, age of the offender, previous paroles (if any) successfully terminated, availability of employment or schooling to the offender upon release, etc. Since the Division was established, it has increased only one sentence. All other changes have represented a reduction in sentence. In 1974, the Division reviewed 85 sentences. Twenty-nine were changed (reduced).

(5) The District Courts -- Resources and Capabilities

a. Jurisdiction

Although the scope of jurisdiction of the lower courts over civil claims has been increased in the past few years (from $500 to $1500), original and exclusive jurisdiction in the district courts has expanded even more rapidly.

Constitutionally, the district courts are established as courts of general jurisdiction with exclusive jurisdiction over felonies. Statutorily, they also have exclusive jurisdiction over a significant portion of all civil and criminal proceedings, including most juvenile and family matters, probate, gambling violations, drug laws, commitment proceedings, review of administrative procedures and final orders, and the adjudication of water rights. In each of these areas, as well as in criminal law and procedure, the statutes have been extensively modified since 1970. Often the modifications have been based on uniform or model codes which incorporate fairly elaborate due process protections, increasing the number and complexity of required proceedings.

Appellate jurisdiction over lower court judgments or verdicts is in the district courts. Such appeal is a matter of right upon conviction of a misdemeanor and must be a trial de novo.

b. Facilities and Equipment

No inventory has been made of district court facilities. It is anticipated that such a survey or assessment will be made in 1977 and that it will produce data for rational planning for 1978.

Of course, each of the 56 counties has a courthouse containing a district courtroom, chambers, a jury room, an office of the clerk of the court, and usually some elements of a law library.

All but two judicial districts encompass more than one county, and it is usual for judges and their court reporters to reside in the most populous county in the district. These home counties are likely to have better court facilities than outlying counties.

Observation reveals that many courtrooms have public address systems; some are air-conditioned; probably none have audio-transcribing equipment; at least one has a capability for videotaping. Modern office equipment, such as memory typewriters, word composers, or copiers are rarely available to courts personnel. Facilities for jurors and witnesses are minimal or inadequate, as are most county law libraries. Two new courthouses are under construction, and at least one is in the final stages of extensive remodeling.

Judges generally ride circuit in their private automobiles, with mileage reimbursed by the state. Currently, judges in one multi-judge district are sharing a state car for district travel as an experiment in cost effectiveness.

c. Manpower

1. District Judges

There are 28 district judges serving 18 judicial districts. Their annual salaries are fixed statutorily at $25,000 -- lowest in the United States for judges of trial courts. Judges' salaries, travel and per diem expense, and contributions to the judicial retirement fund are paid by the state. Although they are elected to six-year terms, an incumbent judge standing for reelection is seldom defeated (in fact, seldom opposed) and no judge has yet been unseated in a retention election.

2. Court Reporters

Each district judge appoints a court reporter who serves at his pleasure. The court reporter also rides circuit in multi-county districts. There are no statutory qualifications for the position.

The code provides that a judge may fix a court reporter's salary within a $12,500 to $16,000 range. Only one court reporter currently receives less than the maximum allowable salary. Salary and travel expense are included in the costs apportioned by the judge among the counties of the district. Court reporters are uniformly permitted to supplement their salaries with fees received for taking depositions, preparing transcripts, etc. This year, a few district judges testifying at a legislative committee hearing observed that they consistently receive less total compensation in a year than their court reporters. Some court reporters act as secretaries and/or administrative assistants for their judges. Seven of the 28 court reporters are women.

3. Clerks of District Courts

A clerk is elected to a four-year term in each of the 56 counties. No qualifications are required for candidacy beyond local voter registration. Montana codes require that clerks keep an index book, a minute book, probate and guardianship records and proceedings, naturalization records, a register of criminal actions, an index of "persons sent to the insane asylum," accounts of fees received, records of jurors and witnesses, and indices to court records and bonds.

Salaries of clerks of court are to be fixed by the county commissioners from statutory tables of compensation according to population and taxable valuation of the county. Minimum annual compensation for clerks in counties of the lowest population and taxable valuation is $8265. Maximum compensation is in the $16,000 range.

Clerks may appoint deputies, whose salaries are also fixed by the county commissioners at an amount not to exceed 90% of the salary of the clerk. Numbers of deputies range from one (typical of sparsely populated counties) to nine in Montana's most urban county. No state total of deputy clerks is currently available. Eleven of the 56 clerks of court are men.

4. Other Administrative and Research Support Personnel

A few trial court judges employ personal secretaries; most do not. As noted above, it is relatively common for court reporters to function as secretaries or administrative assistants.

Two trial court judges now employ full-time law clerks. Four others have had law interns in summer months (funded by grants from the SPA). Currently, the great majority of judges have no assistance in legal research. As noted in a preceding section, a legal information center at the law school will begin operation this fall to supply legal research assistance to judges, prosecutors, and defenders. Also as noted, draft legislation would provide law clerks to multi-judge district courts.

d. Workload

The section on jurisdiction (5a above) indicates that workload is not a direct function of caseload for trial judges. Other factors to be considered in workload include kinds of cases to be decided, number of procedures required, newness of relevant law, complexities of fact problems, contested or ex parte proceedings, time required for travel of the circuit, amount of administrative detail to be handled, and resources and time needed for legal research and continuing education. Almost nothing is known currently about workload of other courts personnel. Presumably, it reflects judicial workload.

Data on district court workload is presented in the following map and tables:

1. Map of Montana judicial districts (illustration B-19)
2. Table B-24, showing selected selected results of an opinion poll of district court judges conducted in late 1975 by the Legislative Council Subcommittee on the Judiciary
3. Tables B-25 through B-32, showing the most recent collection of district court caseload data and judges' travel information (sources of this information are the Legislative Council Subcommittee on the Judiciary and the Office of the Court Administrator)
4. Tables B-33 and B-34, illustrating dispositions of criminal cases by district courts in 1975

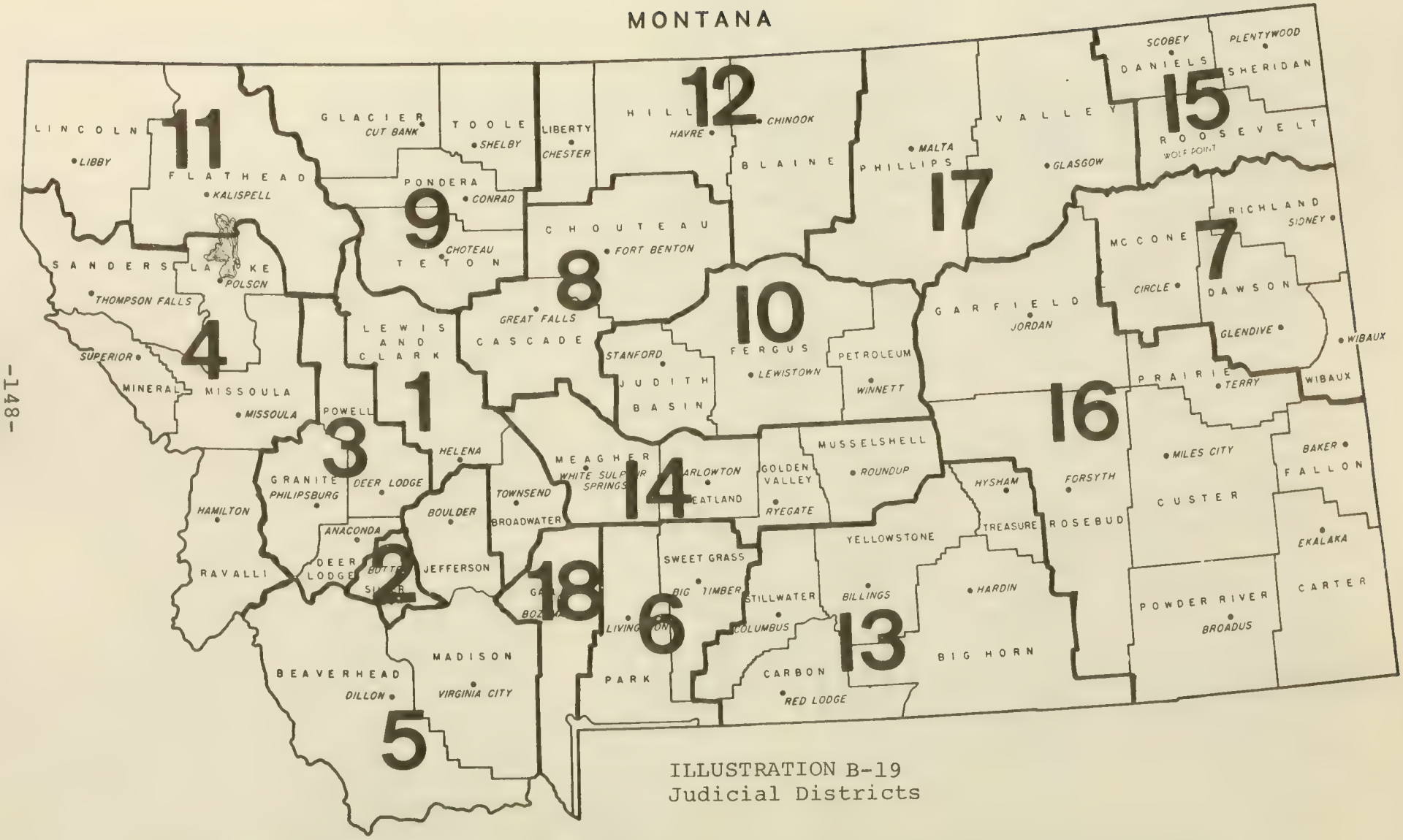


ILLUSTRATION B-19
Judicial Districts

TABLE B-24
Results of Montana District Judges Survey

1. How would you describe your district?

6 - predominantly urban
9 - predominantly rural

2. Approximately what proportion of your workload involves travel?

3 - 1-5%
5 - 1-20%
3 - 10-15%
3 - 15-20%
2 - 20% and over

3. How many cases could a judge in your district reasonably handle in a year?

1 - 300-350 cases
1 - 350-400 cases
1 - 400-450 cases
1 - 450-500 cases
3 - 500-550 cases
1 - 550-600 cases
2 - 600-650 cases
1 - 650-700 cases
1 - 700-750 cases
1 - 750-800 cases
1 - 800-900 cases
1 - Over 1,000 cases
3 - Other: Indicating caseload alone is not significant

4. How would you rate the backlog in your district?

10 - good
5 - fair
2 - poor
1 - other

5. Check the areas below that you consider problems in your efforts to keep caseload current:

3 - High population of district in relation to number of judges allocated to handle caseload
3 - Not enough judges in district to handle caseload
4 - Disproportionate amount of time required to travel from county to county
5 - Lack of adequate facilities (e.g. condition of courtroom, library, research facilities)
9 - Lack of adequate supportive personnel (e.g., clerical, research assistants, law clerks)
5 - Disproportionate amount of time required for administrative duties at the expense of casework
8 - Able to keep caseload relatively current

6. Approximately what percentage of your caseload involves a trial?

2 - 5%
6 - 10%
2 - 15%
1 each - 25%,30%,40%,50%,65%,75%

7. Recommendations for improvement of Montana's judicial system:

1. Adequate funding on a state basis for the judges, their facilities, and personnel
2. Creation of a family court
3. Adoption of the recommendations of the American Bar and the National Committee on Standards and Goals as to functions and operations
4. Court unification
5. Standardization of procedures and forms
6. Expansion of in-service education and training
7. Encouragement of regional facilities
8. Additional funding for masters and referees
9. The state judicial system is excellent and any changes politicians seek should be avoided
10. Form a legislative committee and hire a lobbyist

TABLE B-25

CASEFILINGS BY DISTRICT

District	No. Judges	1960	1964	1970	1974
1	2				
2	2	986	1017	1058	1295
3	1	634	586	691	640
4	3				
5	1	277	290	395	449
6	1	343	245	273	396
7	1	542	744	513	569
8	3	2341	2956	1665	2910
9	1	673	643	787	646
10	1	207	293	257	301
11	2	793	1063	1664	2049
12	1	681	586	524	699
13	3	2205	2634	2867	3599
14	1	228	209	204	218
15	1	305	331	309	316
16	2	460	498	495	591
17	1	336	492	454	374
18	1	595	621	798	966

TABLE B-26

Casefiling Ranks by District

Rank	Dist. 1960		Dist. 1964		Dist. 1970		Dist. 1974	
1	8	(2,341)	8	(2,956)	13	(2,867)	13	(3,599)
2	13	(2,205)	13	(2,634)	4	( )	8	(2,910)
3	4	( )	4	( )	8	(1,665)	4	( )
4	2	(986)	11	(1,063)	11	(1,664)	11	(2,049)
5	11	(793)	2	(1,017)	1	( )	1	( )
6	12	(681)	7	(744)	2	(1,058)	2	(1,295)
7	9	(673)	1	( )	18	(798)	18	(966)
8	1	( )	9	(643)	9	(787)	12	(699)
9	3	(634)	18	(621)	3	(691)	9	(646)
10	18	(595)	3	(586)	12	(524)	3	(640)
11	7	(542)	12	(586)	7	(513)	16	(591)
12	16	(460)	16	(498)	16	(495	7	(569)
13	6	(343)	17	(492)	17	(454)	5	(449)
14	17	(336)	15	(331)	5	(395)	17	(374)
15	15	(305)	10	(293)	15	(309)	6	(396)
16	5	(277)	5	(290)	6	(273)	15	(316)
17	14	(228)	6	(245)	10	(257)	10	(301)
18	10	(207)	14	(209)	14	(204)	14	(218)

TABLE B-27

Caseload Per Judge, 1960-1974

District	No. Judges	1960 CJP	1964 CJP	1970 CJP	1974 CJP
1	2				
2	2	493	509	529	648
3	1	634	586	691	640
4	3				
5	1	277	290	395	449
6	1	343	245	273	396
7	1	542	744	513	569
8	3	780	989	555	970
9	1	673	643	787	646
10	1	207	293	257	301
11	2	397	532	832	1,025
12	1	681	586	524	699
13	3	735	878	956	1,200
14	1	228	209	204	218
15	1	305	331	309	316
16	2	230	249	248	296
17	1	336	492	454	374
18	1	595	621	798	966

Table B-28
CASE FILINGS BY DISTRICT AND BY COUNTY

District	No. Judges	1960	1964	1970	1974
1	2				
Lewis & Clark		516	632	927	1,230
Broadwater		N/A	N/A	N/A	N/A
2	2	986	1,017	1,058	1,295
Silver Bow					
3	1	634	586	691	640
Powell		141	146	213	195
Granite		71	76	55	53
Deer Lodge		422	364	423	392
4	3				
Missoula		N/A	N/A	N/A	N/A
Mineral		43	68	58	80
Lake		345	366	510	587
Ravalli		283	322	350	552
Sanders		113	75	121	204
5	1	277	290	395	449
Beaverhead		101	116	159	148
Jefferson		63	62	82	151
Madison		113	112	154	150
6	1	343	245	273	396
Park		306	202	232	336
Sweetgrass		37	43	41	60
7	1	542	744	513	569
Dawson		267	238	225	291
McCone		31	32	40	39
Richland		219	458	222	211
Wibaux		25	16	26	28

Table B-28 (Continued)

District	No. Judges	1960	1964	1970	1974
8	3	2,341	2,956	1,665	2,910
Cascade		2,190	2,782	1,480	2,756
Chouteau		151	174	185	154
9	1	673	643	787	646
Teton		66	87	75	82
Pondera		108	84	120	82
Toole		221	191	238	118
Glacier		278	281	354	364
10	1	207	293	257	301
Fergus		156	244	224	269
Judith Basin		39	36	28	24
Petroleum		12	13	5	8
11	2	793	1,063	1,664	2,049
Flathead		670	854	1,172	1,579
Lincoln		123	209	492	470
12	1	681	586	524	699
Liberty		32	27	20	41
Hill		469	388	344	503
Blaine		180	171	160	155
13	3	2,205	2,634	2,867	3,599
Yellowstone		1,754	2,058	2,306	2,917
Big Horn		217	299	294	301
Carbon		163	196	181	238
Stillwater		55	64	68	114
Treasure		16	17	18	29
14	1	228	209	204	218
Meagher		55	81	39	33
Wheatland		79	53	74	81
Golden Valley		13	12	15	16
Musselshell		81	63	76	88

Table B-28 (Continued)

District	No. Judges	1960	1964	1970	1974
15	1	305	331	309	316
Roosevelt		156	184	185	177
Daniels		71	71	66	68
Sheridan		78	76	58	71
16	2	460	498	495	591
Custer		207	260	273	274
Carter		19	26	25	19
Fallon		75	75	47	74
Prairie		11	19	14	18
Powder River		17	22	44	14
Garfield		26	20	19	18
Rosebud		105	76	73	174
17	1	336	492	454	374
Phillips		56	68	70	88
Valley		280	424	384	296
18	1	595	621	798	966
Gallatin		595	621	798	966

*These figures are taken from the "Survey of Judicial District Caseload Filings" conducted by the Subcommittee on Judiciary and completed by the clerks of district courts. N/A indicates those counties that did not respond to the survey.

TABLE B-29

1970 Judicial District Casefiling to Population Ratio

District	1970 Population	1970 Casefiling	Ratio Caseload to Population
1	35,807		
2	41,981	1,058	1:39
3	25,049	961	1:26
4	97,168		
5	18,439	395	1:46
6	14,177	273	1:51
7	25,446	513	1:49
8	88,277	1,665	1:53
9	29,349	787	1:37
10	15,953	257	1:62
11	57,523	1,664	1:34
12	26,444	524	1:50
13	110,205	2,867	1:38
14	9,316	204	1:45
15	19,227	309	1:62
16	30,622	495	1:61
17	16,857	454	1:37
18	32,505	798	1:40
TOTALS			
18	694,345		

TABLE B-30

Average and Range of Casefilings

Year	*No. Dist.	**No. Judges	Casefilings	Average Per.Judge	No.Dist. Above Mean	No. Dist. Below Mean	Range Per Dist.	Range Per Judge
1960	16	23	11,606	504	9	7	2341-207	780-207
1964	16	23	13,208	574	9	7	2956-209	989-209
1970	16	23	12,954	563	7	9	2867-204	956-204
1974	16	23	16,018	696	6	10	3599-218	1,200-218

*As of February 3, 1976, Broadwater County of District 1 and Missoula County of District 4 have not responded to the statistical survey. Districts 1 and 4 are not included in this compilation.

**The number of judges in Districts 1 and 4 -- 2 and 3 respectively -- are not included in this compilation.

TABLE B-31

Population, Population Density, Area, and Ranks

District	No. Judges	1970 Population	Pop. Density (Per Sq.Mi.)	Area Sq. Miles	1970 Dist. Pop. Rank	Pop. Density Rank	Dist. Area Rank
1	2	35,807	7.66	4,669	6	6	15
2	2	41,981	58.71	71[illegible]	5	1	18
3	1	25,049	5.20	4,8[illegible]	12	8	14
4	3	97,168	9.24	10,509	2	4	4
5	1	18,439	1.71	10,731	14	15	3
6	1	14,177	3.17	4,466	17	12	16
7	1	25,446	3.20	7,946	11	11	9
8	3	88,277	13.39	6,588	3	2	12
9	1	29,349	3.31	8,851	8	10	6
10	1	15,953	2.05	7,777	16	14	10
11	2	57,523	6.49	8,851	4	7	7
12	1	26,444	3.06	8,631	10	13	8
13	3	110,205	8.80	12,510	1	5	2
14	1	9,316	1.36	6,837	18	17	11
15	1	19,227	3.48	5,522	13	9	13
16	2	30,622	1.31	23,212	9	18	1
17	1	16,857	1.65	10,187	15	16	5
18	1	32,505	12.91	2,517	7	3	17

TABLE B-32

District Area, Miles Driven, and Ranks

District	No. Judges	District Area (Sq. Mile)	*Miles Driven 1974	Rank By District Area	Rank by Miles Driven, 1974
1	2	4,669	3,584	15	16
2	2	715	1,184	18	18
3	1	4,809	7,078	14	13
4	3	10,509	28,987	4	1
5	1	10,731	18,631	3	3
6	1	4,466	8,046	16	11
7	1	7,946	12,238	9	9
8	3	6,588	5,809	12	15
9	1	8,851	14,041	6	7
10	1	7,777	12,086	10	10
11	2	8,851	17,003	7	4
12	1	8,631	6,334	8	14
13	3	12,510	13,474	2	8
14	1	6,837	14,500	11	6
15	1	5,522	16,553	13	5
16	2	23,212	24,189	1	2
17	1	10,187	7,458	5	12
18	1	2,517	2,274	17	17

*These figures were supplied by the Office of Court Administrator from travel claims submitted by the district judges.

TABLE B-33
CASES DISPOSED IN DISTRICT COURT - 1975
BY JUCICIAL DISTRICT

Judicial District	Total	No Conviction		Convicted		Percent Distribution					
						Not Convicted			Convicted		
		Dis-miss	Acquit	Pled Guilty	Found Guilty	Total	Dis-miss	Acquit	Total	By Plea	By Trial
1	74	10	1	62	1	14.8	13.5	1.35	85.2	83.8	1.35
2	45	7	1	35	2	17.8	15.6	2.2	82.2	77.8	4.4
3	52	3	0	48	1	5.8	5.8	-	94.2	92.3	1.9
4	333	51	4	268	10	16.5	15.3	1.2	83.5	80.5	3.0
5	36	8	1	26	1	25.0	22.2	2.8	75.0	72.2	2.8
6	22	2	0	19	1	9.1	9.1	-	90.9	86.4	4.5
7	21	0	1	15	5	4.8	-	4.8	95.2	71.4	23.8
8	137	19	1	116	1	14.6	13.9	0.7	85.4	84.7	0.7
9	44	8	0	34	2	18.2	18.2	-	81.8	77.3	4.5
10	75	12	1	56	6	17.3	16.0	1.3	82.7	74.7	8.0
11	110	21	2	83	4	20.9	19.1	1.8	79.1	75.5	3.6
12	38	6	2	30	0	21.1	15.8	5.3	78.9	78.9	-
13	274	69	10	190	5	28.9	25.2	3.7	71.1	69.3	1.8
14	3	2	0	1	0	66.7	66.7	-	33.3	33.3	-
15	8	0	0	8	0	-	-	-	100.0	100.0	-
16	86	18	2	61	5	23.3	21.0	2.3	76.7	70.9	5.8
17	52	12	1	38	1	25.0	23.1	1.9	75.0	73.1	1.9
18	33	1	1	28	3	3.1	-	3.1	96.9	87.5	9.4
TOTAL	1443	249	28	1118	48	19.2	17.3	1.9	80.8	77.5	3.3

TABLE B-34
CASES DISPOSED IN MONTANA DISTRICT COURT - 1975
BY OFFENSE

Offense	Total	No Conviction		Convicted		Percent Distribution					
						Not Convicted			Convicted		
		Dismiss	Acquit	Pled Guilty	Found Guilty	Total	Dismiss	Acquit	Total	By Plea	By Trial
Homicide	29	3	5	19	2	27.6	10.4	17.2	72.4	65.5	6.9
Rape	18	4	4	10	0	44.4	22.2	22.2	55.6	55.6	-
Robbery	53	9	0	41	3	17.0	17.0	-	83.0	77.4	5.6
Assault	86	20	3	53	10	26.8	23.3	3.5	73.2	61.6	11.6
Burglary	297	28	2	264	3	10.1	9.4	0.7	89.9	88.9	1.0
Theft	203	36	6	153	8	20.7	17.7	3.0	79.3	75.4	3.9
Forgery	84	12	1	71	0	15.5	14.3	1.2	84.5	84.5	-
Sex	21	5	0	14	2	23.8	23.8	-	76.2	66.7	9.5
Drugs	460	82	1	366	11	18.0	17.8	0.2	82.0	79.6	2.4
Weapons	15	2	0	12	1	13.3	13.3	-	86.7	80.0	6.7
Arson	5	2	0	3	0	40.0	40.0	-	60.0	60.0	-
DWI	55	7	1	42	5	14.5	12.7	1.8	85.5	76.4	9.1
Not Otherwise Classified	117	39	5	70	3	37.6	33.3	4.3	62.4	59.8	2.6
TOTALS	1443	249	28	1118	48	19.2	17.3	1.9	80.8	77.5	3.3

e. Cost Data

The state legislative appropriation for district court operation was $850,860 for fiscal 1976 and is $858,060 for fiscal 1977. These amounts cover judges' salaries travel and per diem, and the state contribution to the judges' retirement fund. This represents a substantial increase over state expenditure for trial courts in fiscal 1974, which was pegged by Expenditure and Employment data for the Criminal Justice System 1974 at $622,000.

The following tables show local government comparative expenditure data for district courts by amount and per capita. The expenditure figures are taken from Annual Reports of the County Clerks to the Montana Department of Community Affairs and were tabulated by the Governor's Commission on Local Governments. Amounts shown include operation and maintenance of the court in each county, apportioned costs for district operation, salaries and operation of the office of clerk of the court in each county, apportioned salaries and travel costs for court reporters, mileage and per diem for witnesses and jurors, and, in some cases, probation costs, costs of the defense of indigent criminal offenders, and maintenance of county law libraries.

TABLE B-35
District Court Expenditures, 1974:
Per Capita Costs by District and by County

District	County	**Population	Dollar Expenditures	Per Capita	% Of State P.C.
1	Broadwater	2,700	14,900	5.52	185.23
	Lewis & Clark	36,000	120,160	3.34	112.08
	TOTAL	38,700	135,060	*3.50	
2	Silver Bow	43,200	144,281	*3.34	112.08
3	Powell	7,400	26,565	3.59	120.47
	Granite	2,700	15,847	5.87	196.98
	Deer Lodge	15,100	34,575	2.29	76.85
	TOTAL	25,200	76,986	*3.06	
4	Lake	16,700	32,715	1.96	65.77
	Mineral	3,600	14,710	4.09	137.25
	Missoula	63,700	119,238	1.87	62.75
	Ravalli	17,900	30,695	1.71	57.38
	Sanders	7,800	16,762	2.15	72.15
	TOTAL	109,700	214,120	*1.95	
5	Beaverhead	8,300	41,566	5.01	168.12
	Jefferson	6,900	30,358	4.40	147.65
	Madison	5,900	24,991	4.24	142.28
	TOTAL	21,100	96,915	*4.59	
6	Park	11,900	41,419	3.48	116.78
	Sweet Grass	3,100	17,256	5.57	186.91
	TOTAL	15,000	58,675	*3.91	
7	Dawson	10,900	28,501	2.61	87.58
	McCone	2,700	16,373	6.06	203.36
	Richland	9,900	30,433	3.07	103.02
	Wibaux	1,400	13,957	9.97	334.56
	TOTAL	24,900	89,264	*3.58	
8	Cascade	84,300	174,248	2.07	69.46
	Chouteau	6,400	25,847	4.04	135.57
	TOTAL	90,700	200,095	*2.21	
9	Glacier	11,400	28,931	2.54	85.23
	Pondera	6,700	29,087	4.34	145.64
	Teton	6,400	24,646	3.85	129.19
	Toole	5,400	26,360	4.88	163.76
	TOTAL	29,900	109,024	*3.65	

Table B-35 (Continued)

District	County	**Population	Dollar Expenditures	Per Capita	% Of State P.C.
10	Fergus	12,900	33,389	2.59	86.91
	Judith Basin	2,700	13,482	4.99	167.45
	Petroleum	600	5,601	9.34	313.42
	TOTAL	16,200	52,472	*3.24	
11	Flathead	42,600	144,877	3.40	114.09
	Lincoln	17,000	49,332	2.90	97.32
	TOTAL	59,600	194,209	*3.43	
12	Blaine	6,800	28,237	4.15	139.26
	Hill	17,700	41,517	2.35	78.86
	Liberty	2,300	14,655	6.37	213.76
	TOTAL	26,800	84,409	*3.15	
13	Big Horn	10,500	18,693	1.78	59.73
	Carbon	7,900	21,512	2.72	91.28
	Treasure	1,200	8,189	6.82	228.86
	Stillwater	5,200	13,025	2.50	83.89
	Yellowstone	94,300	207,311	2.20	73.83
	TOTAL	119,100	268,730	*2.26	
14	Meagher	2,100	15,641	7.45	250.00
	Golden Valley	900	8,479	9.42	316.11
	Wheatland	2,500	14,722	5.89	197.65
	Musselshell	4,200	25,948	6.18	207.38
	TOTAL	9,700	64,790	*6.68	
15	Daniels	3,200	10,804	3.38	113.42
	Roosevelt	10,500	27,732	2.64	88.59
	Sheridan	5,300	21,322	4.02	134.90
	TOTAL	19,000	59,858	*3.15	
16	Carter	1,900	17,186	9.05	303.69
	Custer	12,300	46,329	3.77	126.51
	Fallon	3,900	21,601	5.54	185.91
	Garfield	1,600	10,632	6.65	223.15
	Powder River	2,200	20,029	9.10	305.37
	Prairie	1,900	9,877	5.20	174.50
	Rosebud	7,700	35,847	4.66	156.38
	TOTAL	31,500	161,501	*5.13	

Table B-35 (Continued)

District	County	**Population	Dollar Expenditures	Per Capita	% Of State P.C.
17	Phillips	5,500	21,845	3.97	133.22
	Valley	13,000	47,284	3.64	122.15
	TOTAL	18,500	69,129	*3.74	
18	Gallatin	36,000	109,017	*3.03	101.68
TOTALS					
18	56	734,800	2,188,535	*2.98	

* Per Capita Average
**1974 Estimates

Source: State Commission on Local Government

TABLE B-36
District Court Costs - Fiscal Year 1974
Per Capita Expenditures - Rankings

County	Per Capita	County	Per Capita
Wibaux	9.97	Phillips	3.97
Golden Valley	9.42	Teton	3.85
Petroleum	9.34	Custer	3.77
Powder River	9.10	Valley	3.64
Carter	9.05	Powell	3.59
Meagher	7.45	Park	3.48
Treasure	6.82	*Flathead	3.40
Garfield	6.65	Daniels	3.38
Liberty	6.37	*Lewis & Clark	3.34
Musselshell	6.18	*Silver Bow	3.34
McCone	6.06	Richland	3.07
Wheatland	5.89	*Gallatin	3.03
Granite	5.87	**--------	----
Sweet Grass	5.57	Lincoln	2.90
Fallon	5.54	Carbon	2.72
Broadwater	5.52	Roosevelt	2.64
Prairie	5.20	Dawson	2.61
Beaverhead	5.01	Fergus	2.59
Judith Basin	4.99	Glacier	2.54
Toole	4.88	Stillwater	2.50
Rosebud	4.66	Hill	2.35
Jefferson	4.40	Deer Lodge	2.29
Pondera	4.34	*Yellowstone	2.20
Madison	4.24	Sanders	2.15
Blaine	4.15	*Cascade	2.07
Mineral	4.09	Lake	1.96
Chouteau	4.04	*Missoula	1.87
Sheridan	4.02	Big Horn	1.78
		Ravalli	1.71

* Seven most populous counties
**State Average Per Capita 2.98

SOURCES: Clerk and Recorder's Annual Reports and
State Commission on Local Government

Table B-37

EXPENDITURES

DISTRICT COURT

COUNTY NAME	1973 AMOUNT	1974 AMOUNT	PERCENT CHANGE	73 PER CAPITA	74 PER CAPITA
STATE TOTALS	1743592	2188535	26	2	3
BEAVERHEAD	26896	41566	55	3	5
BIG HORN	18549	18693	1	2	2
BLAINE	18581	28237	52	3	4
BROADWATER	11389	14900	31	4	6
CARBON	15018	21512	43	2	3
CARTER	15514	17186	11	8	10
CASCADE	157242	174248	11	2	2
CHOTEAU	18320	25847	41	3	4
CUSTER	34195	40329	35	3	4
DANIELS	9615	10804	12	3	3
DAWSON	23838	28501	20	2	3
DEERLODGE	38806	34575	10	2	2
FALLON	15160	21604	42	4	6
FERGUS	27875	33389	20	2	3
FLATHEAD	120726	144877	20	3	4
GALLATIN	99637	109017	9	3	3
GARFIELD	7302	10632	46	4	6
GLACIER	23439	28931	23	2	3
GOLDEN VALLEY	6326	8479	34	7	8
GRANITE	11028	15847	44	4	4
HILL	35405	41517	17	2	2
JEFFERSON	24852	30358	22	4	5
JUDITH BASIN	10996	15482	23	4	5
LAKE	33048	32715	0	2	2
LEWIS AND CLARK	101775	120160	18	3	3
LIBERTY	11524	14655	27	5	6
LINCOLN	37013	49332	33	2	3
MADISON	21439	24991	17	8	9
MCCONE	10188	16373	61	2	3
MEAGHER	13173	15641	19	6	7
MINERAL	12575	14710	17	4	4

Table B-37 (Continued)

EXPENDITURES

DISTRICT COURT

COUNTY NAME	1973 AMOUNT	1974 AMOUNT	PERCENT CHANGE	73 PER CAPITA	74 PER CAPITA
MISSOULA	91093	119238	31	2	2
MUSSELSHELL	18503	25948	40	5	6
PARK	33173	41419	25	3	4
PETROLEUM	3064	5601	83	4	9
PHILLIPS	16643	21845	31	3	4
PONDERA	18407	29087	58	3	4
POWDER RIVER	9498	20029	111	4	10
POWELL	24020	26546	11	3	4
PRAIRIE	7335	9877	35	4	5
RAVALLI	25837	30695	19	2	2
RICHLAND	20652	30433	47	2	3
ROOSEVELT	22426	27732	24	2	3
ROSEBUD	24124	35847	49	4	5
SANDERS	14338	16726	17	2	2
SHERIDAN	15959	21322	34	3	4
SILVER BOW	108286	144281	33	3	3
STILLWATER	10437	13025	25	2	3
SWEET GRASS	11039	17256	56	4	6
TETON	16905	24646	46	3	4
TOOLE	23029	26360	14	4	5
TREASURE	8577	8189	-4	7	7
VALLEY	28213	47284	68	2	4
WHEATLAND	15449	14722	-4	7	6
WIBAUX	11012	13957	27	8	10
YELLOWSTONE	154096	207311	35	2	2

(6) The Justice Courts -- Resources and Capabilities

On June 30, 1976, the U.S. Supreme Court (in North v. Russell, ___U.S.___, 44 LW 4443) permitted the continued use of lay judges in state lower courts where an appeal from a misdemeanor conviction or guilty plea is a trial de novo in a state court where the presiding judge is a lawyer. The decision was grounded on interpretations of both the due process and equal protection clauses of the Fourteenth Amendment. Although not all the implications are entirely clear, Montana constitutional and statutory law are generally sufficient to allow for the retention of lay judges if the Legislature is so inclined. No specific standard for in-service training (or other education) for lay judges was adopted. Montana's current law and in-service training practices were cited by Chief Justice Burger, speaking for the majority, apparently to demonstrate sufficiency of state efforts in this regard.

The question now becomes whether the contemporary activities (see section B.1) to initiate or upgrade recordkeeping and reporting by justice courts should, as a matter of policy, be limited to insure that the lower courts do not become courts of record, which seemingly would require law-trained judges. As noted in preceding sections, the 1972 Montana Constitution energized profound organizational changes in justice courts. Implementing legislation affected the number, location, facilities, records, personnel and jurisdiction of the justice courts, and the number, compensation, and training requirements of justices of the peace.

a. Facilities and Equipment

Court orders to county commissioners, upheld on appeal, have been required to gain compliance in some instances with the constitutional mandate that justice courts must be conducted in "dignified surroundings" and with the statutory enumeration of facilities, equipment, and personnel with which the courts must be provided.

Even so, a survey of justices of the peace by the Commission on Lower Courts in 1975 showed that many needs remain.

TABLE B-38
Facilities and Equipment Needs of Justice Courts

Reported Need	Number of JPs Reporting
Nothing needed	47
Office Space	10
Office Supplies	10
Court Room	8
Court Bench	6
Office Furniture	6
All Facilities	4
Clerk	3

Table B-38 (Continued)

Reported Need	Number of JPs Reporting
Codes	3
Telephone	3
Flags	2
Jury Box	2
Books	1
Chambers	1
Curtains	1
Storage	1

b. Manpower

At last report (to the Commission on Lower Courts), 92 justice courts were established in Montana. Each of the 56 counties must have at least one such court, and statute permits a county commission to establish another.

There are no particular qualifications required of candidates beyond residency and voting registration. Questionnaires returned to the Commission on Lower Courts in 1975 by 84 JPs (compiled by the SPA) indicated levels of formal educational attainment. Nearly 15% of those reporting had less than a high school education.

Table B-39
Formal Educational Levels of Justices of the Peace

Highest Education Reported	Number Reporting	% Of TOTAL
Not Reported	14	16.7
Grade School	9	10.7
High School		
GED	2	2.4
REG	37	44.0
Some College	7	8.3
College Degree	11	13.1
Some Graduate Work	2	2.4
Graduate Degree		
Law	2	2.4

The average annual compensation of JPs reporting in 1975 was $4078.26. The average annual compensation of the 19% who reported working full-time was $7973.75. Salaries ranged from $600 to $11,920 annually. JPs in the same county frequently received different amounts of compensation. In the county with the widest differential, one JP received $720, the other $5940. Otherwise, salary ranges (with a few exceptions) appear to bear a rough relationship to county population. Lower courts judges who are lawyers are not prohibited from the practice of law as are district

court judges. The two JPs who are attorneys indicate that their total annual income considerably exceeds that of a district court judge.

Some justices of the peace in the more populous counties employ secretaries or clerks or both. Most have no administrative support personnel.

c. Workload

Currently there is no reliable information about caseloads in justice courts. Presumably, some data about criminal cases will begin to be available after the institution of reporting on January 1, 1977.

In responding to queries from the Commission on Lower Courts in 1975, JPs estimated the amount of time spent on the job. These estimates appear in Table B40 below, as compiled by the SPA staff.

Table B-40
Estimates of Time Spent on Duties as Justices of the Peace

Time Spent	No. of JPs	Percent of JPs Reporting
Not reported	27	37.1
Full-time(160 hrs/mo)	16	19
"As needed"	11	13.1
100-160 hrs/mo	1	1.2
40 - 100 hrs/mo	14	16.7
Less than 40 hrs/mo	15	17.9

d. Cost data

The expenditure data in the following table was compiled by the Governor's Commission on Local Governments from the Annual Reports of the County Clerks to the Department of Community Affairs.

JUSTICE COURT EXPENDITURES BY
COUNTY FY 1973 AND 1974

Justice Court expenditures are salaries for Justices of the Peace, constables, outside Justices, witness fees, expense of investigators, bond premium, jurors, printing and stationery, postage, office supplies and repairs, record books, telephone and other expenses. All Justice Court expenses are paid by the respective counties.

Table B-41

County	1973	1974	1974 Population*	1974 Per Capita Cost	Per Cent Change** 1973-1974
Beaverhead	$ 483	$ 6,681	8,300	.81	+ 1283
Big Horn	875	6,891	10,500	.66	688
Blaine	87	3,951	6,800	.58	4441
Broadwater	61	3,152	2,700	1.17	5067
Carbon	843	7,691	7,900	.97	812
Carter	339	2,196	1,900	1.16	548
Cascade	28,683	36,037	84,300	.43	25
Chouteau	341	3,581	6,400	.56	950
Custer	704	8,371	12,300	.68	1089
Daniels	3	753	3,200	.24	25000
Dawson	8,400	9,471	10,900	.87	13
Deer Lodge	3,660	12,271	15,100	.81	235
Fallon	0	5,913	3,900	1.52	---
Fergus	3,268	6,856	12,900	.53	110
Flathead	22,426	25,693	42,600	.60	15
Gallatin	13,274	14,347	36,000	.40	8
Garfield	528	2,179	1,600	1.36	313
Glacier	513	3,762	11,400	.33	633
Golden Valley	55	1,166	900	1.30	2020
Granite	163	2,928	2,700	1.08	1696
Hill	8,970	8,512	17,700	.48	- 5
Jefferson	270	8,853	6,900	1.28	+ 3179
Judith Basin	169	2,876	2,700	1.07	1601
Lake	1,416	11,297	16,700	.68	698
Lewis & Clark	19,088	24,506	36,000	.68	28
Liberty	64	1,300	2,300	.57	1931
Lincoln	2,173	17,688	17,000	1.04	714
Madison	889	9,607	5,900	1.63	981
McCone	2,774	5,266	2,700	1.95	90
Meagher	45	1,250	2,100	.60	2677
Mineral	3	2,987	3,600	.83	994.66
Missoula	28,563	38,536	63,700	.60	35
Musselshell	612	2,064	4,200	.49	237
Park	3,093	8,647	11,900	.73	180
Petroleum	14	634	600	1.06	4428
Phillips	189	1,166	5,500	.21	517
Pondera	693	5,325	6,700	.79	668
Powder River	0	2,826	2,200	1.29	---

JUSTICE COURT EXPENDITURES BY
COUNTY FY 1973 AND 1974

Table B-41 (Continued)

County	1973	1974	1974 Population	1974 Per Capita Cost	Per Cent Change** 1973-1974
Powell	$ 1,239	$ 5,267	7,400	.71	325
Prairie	126	1,391	1,900	.73	1004
Ravalli	708	7,953	17,900	.44	1023
Richland	276	5,475	9,900	.55	1883
Roosevelt	3,457	11,018	10,500	1.05	219
Rosebud	918	6,677	7,700	.87	627
Sanders	742	4,936	7,800	.63	565
Sheridan	128	1,869	5,300	.35	1360
Silver Bow	50,862	52,444	43,200	1.21	3
Stillwater	100	4,593	5,200	.88	4493
Sweet Grass	572	3,250	3,100	1.05	468
Teton	260	2,145	6,400	.36	725
Toole	1,687	4,586	5,400	.85	172
Treasure	123	1,660	1,200	1.38	1250
Valley	1,137	8,262	13,000	.64	627
Wheatland	149	1,810	2,500	.72	1115
Wibaux	69	3,768	1,400	2.70	5361
Yellowstone	40,802	60,440	94,300	.64	48
State	$257,107	$504,774	734,800	.68	96%

*July 1, 1974 (provisonal) estimates of the population of Montana counties, Current Population Reports, U. S. Bureau of the Census, Issued May, 1975.

**The larger per cent increase is due largely because beginning FY 1974 Justices of the Peace are paid salaries under the provisions of Section 93-413 R.C.M. 1947.

Sources - Clerk and Recorder's Annual Reports and State Commission on Local Government.

(7) Small Claims Courts and Municipal Courts

The 1975 Legislative Assembly enacted laws permitting the creation of small claims courts in counties and prescribing their jurisdiction. No such courts have yet been established and it seems unlikely that localities will greet the opportunity with enthusiasm as long as the statutory provisions dividing authority and responsibility for such courts between the county commissioners and the local district judge remain in force.

The legislation provides that small claims courts may be established and abolished by the commissioners (or by initiative), but that the judge of such a court would be appointed by the district judge, who would set the salary and at whose pleasure he would serve. Only a lawyer could be a judge of a small claims court. The court would have original and concurrent jurisdiction with the justice court in the county over all claims arising in contract not exceeding $1500. Neither party could be represented by an attorney in a controversy before the court unless both parties had counsel present. Informality is statutorily encouraged.

An appeal taken from a decision of a small claims court would be (as in the case with decisions of other lower courts) trials de novo in district court. If the commissions of more than one county in a judicial district should wish to establish a small claims court, the court could serve all of the district or any group of counties therein which had adopted such a resolution.

In 1937, the legislature made optional provision for "municipal courts" in cities with a population exceeding 20,000 with a minimum salary specified for the judge and jurisdiction equivalent to that of a justice of the peace. No city has chosen to have a "municipal court" rather than a police or city court.

(8) City Courts

As previously indicated, the 1972 Constitution (like its predecessor) delegates to the Legislature the power to establish courts not specifically named in the Constitution. The only operational courts to have been created under this power are the city courts, which until 1975 were called police courts. Not only was the name changed by the 1975 Legislature, but the jurisdiction of the courts was greatly expanded as well. The city courts now have civil and criminal jurisdiction commensurate and concurrent with that of the justice courts except in such areas as the holding of preliminary hearings and the issuance of search warrants. Case law indicates that they have exclusive jurisdiction over violations of city ordinances.

A city court, which must be open on all judicial days, is established by law in each city and town in Montana, although not all towns have functioning city courts. With the reduction in the numbers of JPs, a number of towns formerly without city courts have instituted such courts to replace abrogated justice courts. Probably the decrease in justice courts has not effected a significant overall reduction in the total number of lower courts.

There is no useful data base describing the operations of city courts in Montana. Moreover, the accumulation of basic information should be delayed pending the reorganization of local governments currently underway in Montana. Pursuant to constitutional requirement, all local governments have been under study for approximately two years by local commissions. Recommendations have been put forward by the commissions, and restructuring proposals (consolidation, chartering, etc.) are to be submitted to local electorates in 1976. Until any restructuring is operational, city court information collection would be irrelevant for comparison purposes. Some descriptive indicators have, however, been set forth under functional categories below.

a. Manpower

Currently, the office of city judge is elective; the term is four years. No particular qualifications for the position are required. The judge's compensation is determined by ordinance. In 1975 there were 101 city judges in Montana, 34 of whom were also JPs. Vacancies in city court judgeships may be filled by appointment by the mayor with the approval of the city council or commission. City courts in Missoula, Billings, and Great Falls employ clerks, bailiffs, and secretaries and have some caseflow management capabilities. A pre-sentence investigator is employed by the Missoula court with grant funding. Judges of these courts observe that the manpower resources available are inadequate compared with those of cities of similar size in other states. Most city courts employ no support personnel. Usually, recordkeeping is handled by the city clerk in cooperation with the city judge. Specific information about salaries, turnover in personnel, etc., is currently unavailable.

b. Workload

Presently, the caseload for most city courts is neither recorded nor reported in Montana, beyond an accounting for receipts and expenditures. An evaluation report of a subgrant program in the Missoula city court indicates that 2,245 state, misdemeanor and DWI cases came before the court in the 10 months from March to December, 1975. This figure is, of course, exclusive of cases deriving from traffic-related offenses. A semi-annual report of the Great Falls city court for the last six months of 1975 shows 12,756 traffic offenses, 287 misdemeanor complaints, and 384 other

offenses (animal, garbage, water) processed by 3,137 arraignments, 866 trials to court, and two jury trials, with 232 cases pending trial to the court and 32 cases pending jury trial.

c. Cost data

Total expenditure for city courts in fiscal 1974, as reported by city and town clerks to the Department of Community Affairs, was $281,356. The same source shows total expenditures for fiscal 1975 at $305,561. Of the latter amount, city courts in 76 towns expended $9,420, while courts in 49 cities of the first, second, and third classes expended $296,231. The following table shows a breakdown of 1975 expenditures by city courts in the latter population category.

Table B-42
Montana City Court Expenditures, FY 1975

City	City Court Expense
Anaconda	2,400
Baker	2,615
Big Timber	1,200
Billings	64,400
Bozeman	13,994
Butte	13,386
Chinook	1,988
Choteau	1,541
Columbia Falls	2,933
Conrad	1,260
Cut Bank	2,411
Deer Lodge	2,205
Dillon	2,129
East Helena	2,627
Fairview	N/A
Forsyth	1,530
Fort Benton	1,979
Glasgow	2,724
Glendive	3,445
Great Falls	36,204
Hamilton	2,037
Hardin	1,378
Harlem	2,353
Harlowton	600
Havre	11,924
Helena	N/A

Table B-42 (Continued)

City	City Court Expense
Kalispell	10,215
Laurel	5,238
Lewistown	5,464
Libby	4,311
Livingston	3,279
Malta	2,753
Miles City	4,095
Missoula	57,546
Plentywood	1,618
Polson	1,461
Poplar	933
Red Lodge	1,480
Ronan	2,950
Roundup	1,481
Scobey	N/A
Shelby	2,052
Sidney	2,176
Terry	143
Townsend	900
Walkerville	398
Whitefish	2,869
White Sulphur Springs	762
Wolf Point	4,844
TOTAL	296,231

In the only comparison available, the Great Falls city court collected $110,520 in receipts for the last half of 1975, while court-related expense for all of fiscal 1975 was $36,204.

Juvenile Justice

The juvenile courts of Montana are a part of the District Court and the District Judges have full discretion over the court's activities. By law, the judge may appoint a chief probation officer and necessary deputies, and order the county to supply whatever resources are necessary to run the juvenile court.

The court is completely supported by the counties within the judicial district, except the judge's salary is funded by the state.

As the general operating procedures of the court are determined by the judge, there are as many different operating procedures as there are judicial districts. A disadvantage of this "non-system" of administering justice is its inherent inequity: A youth in one area of Montana may be treated entirely different from a youth committing the same offense in another part of the state. However, this fragmented arrangement permits the courts to act more expediently and efficiently than if they were part of a large system.

Ninety-five percent of the cases referred to the juvenile court are handled through informal disposition by the juvenile probation officer.

The majority of offenses committed by youth referred to the juvenile court are "status offenses," which are not offenses for adults. Liquor violation is still the major juvenile offense. Additional statistical information is seen on the following pages.

The stated objectives of the Montana juvenile court system are:

1) to preserve the unity and welfare of the family whenever possible, and to provide for the care, protection and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;

2) to remove from youth committing violations of the law the element of retribution and to substitute therefor a program of supervision, care, and rehabilitation;

3) to achieve the purposes of 1) and 2) in a family environment whenever possible, separating the youth from his parents only when necessary for the welfare of the youth or for the safety and protection of the community;

4) to provide judicial procedures in which the parties are assured a fair hearing and recognition and enforcement of their constitutional and statutory rights.

The unstated objectives of the Montana juvenile court system are:

1. to keep as many juveniles as possible out of the formal court system;

2. to provide court services such as counseling, foster care, psychological help, etc., to juveniles and their parents before they enter the formal juvenile court;

3. to develop community awareness of the juvenile system without releasing names of juveniles;

4. to develop a series of alternatives prior to formal court action in juvenile matters;

5. to develop the use of community resources outside of the court to help juveniles;

6. to de-emphasize the word delinquent when dealing with outside groups;

7. to get communities to work with youth to keep youth from entering the system;

8. to teach the juvenile how to help himself;

9. to eliminate or slow down delinquent behavior in juveniles.

It should be noted that the stated objectives of the Montana juvenile court system are set by law. The formal system is twofold in that it provides for a system which will treat juveniles as parents should "normally" treat them, and it establishes a framework to provide legal safeguards. The unstated objectives are the basis for the informal juvenile court system. There may be many other unstated objectives but these were the most commonly observed in a recent survey.

There are 50 juvenile probation officers occupying 38 offices in 18 judicial districts in the state.

The programs offered include: individual and group foster care programs, private and public institution programs, medical and mental examinations, work study programs, youth-offense work programs, specialized-counseling programs, officer-evaluation programs, and, resource development programs which include jobs-for-youth, volunteerism, camps, foster care, and education. Four shelter-care facilities are in operation to provide pre-dispositional care for youth referred to court.

Outside resource referrals used in all districts to varying degrees include: mental health care, youth centers, legal aid assistance, social and rehabilitation departments, health departments, and school referrals.

The juvenile probation officer has a variety of duties, some of which are incompatible with other duties. He may be involved in the arrest, detention, preliminary inquiry, and probation of a youth coming into the system. He may be involved further in prosecuting the youth before the court as well as completing the pre-sentence investigation of the youth. In some cases, the juvenile probation officer not only has to do pre-sentence investigations of juveniles but also of adult offenders. The latter duty is not a proper role of the juvenile justice system, much less the juvenile court system. In a few districts, the juvenile probation officer is involved in completing social investigation reports on divorce cases.

The Montana Youth Court Act, the first major revision of the state's youth-related laws in 30 years, was passed by the 1974 Legislative Assembly. The Act is an attempt to remedy many of the problems stated herein; for example, specifying that a juvenile probation officer may no longer participate in a youth's apprehension; clarifying the county attorney's role in formal proceedings; eliminating the prosecution functions of the probation officer. The total effect of this act has not been evaluated, but it is apparent that many problems still exist.

Predispositional care (detention) is a major problem for Montana's youth court system today. The SPA has completed a study of this problem and the results are seen in the juvenile supplement to this plan.

Travel often involves so much time that the officer is simply processing youth rather than counseling.

A hindrance to efficiency in the juvenile court system is the apparent lack of selection and training criteria for employees. Uniformity is difficult in the current arrangement of 18 subsystems.

Other constraints are the lack of office space for counseling, inadequate manpower, and overall a lack of money to achieve program and personnel objectives. In six judicial districts, adequate secretarial help is unavailable, placing additional duties upon the probation officers. Probation officers' salaries are set by statute, requiring legislative action for increases, a factor that has caused problems for career promotion.

One of the main reasons volunteers have been encouraged to enter the Montana juvenile court system is to facilitate handling of the problems that full-time professional people cannot.

Data about court operation gives only an account of what is happening at a given time in budgets and programs. The system, even on a judicial district basis, does not analyze the data nor is it capable of doing so at this time. It is easy to check the number of youth who flow through the system but no method has been used in Montana to observe and keep track of youth once they enter it, nor to evaluate the corrective treatment. In response to this problem, the SPA is working with the courts to develop an information system which will aid in the administration of the individual courts and improve planning on the state and local level.

Table B-43

Youth Court
PROBATION COSTS - Fiscal Year 1973

County	1973 Population	Salaries	Total Cost	Total Cost Per Capita
Beaverhead	8,200	$ 3,600	$ 3,600	$ .44
Big Horn	10,300	N/A	N/A	N/A
Blaine	6,900	$ 3,905	$ 5,196	$ .76
Broadwater	2,700	N/A	$ 2,025	$ .75
Carbon	7,600	N/A	N/A	N/A
Carter	1,900	$ 1,658	$ 2,008	$ 1.06
Cascade	84,800	N/A	$ 38,068	$ .45
Chouteau	6,200	N/A	$ 8,172	$ 1.32
Custer	11,800	$ 4,164	$ 6,964	$ .59
Daniels	3,100	$ 2,040	$ 4,525	$ 1.46
Dawson	11,000	$ 3,611	$ 6,551	$ .59
Deer Lodge	15,600	$ 17,600	$ 33,930	$ 2.18
Fallon	3,900	$ 3,188	$ 4,288	$ 1.10
Fergus	12,600	$ 6,642	$ 12,520	$ .99
Flathead	41,900	N/A	N/A	N/A
Gallatin	36,000	N/A	N/A	N/A
Garfield	1,700	$ 1,640	$ 2,040	$ 1.20
Glacier	11,500	$ 5,100	$ 12,231	$ 1.06
Golden Valley	900	*	*	*
Granite	2,700	$ 2,400	$ 3,555	$ 1.32
Hill	17,700	$ 5,712	$ 16,162	$ .91
Jefferson	6,400	$ 2,400	$ 2,767	$ .43
Judith Basin	2,600	$ 2,612	$ 2,891	$ 1.11
Lake	15,900	$ 6,788	$ 9,643	$ .61
Lewis and Clark	36,100	$ 12,633	$ 16,478	$ .46
Liberty	2,400	N/A	$ 1,079	$ .45
Lincoln	17,700	N/A	N/A	N/A
Madison	5,500	$ 2,400	$ 2,500	$ .45
McCone	2,800	$ 1,634	$ 2,460	$ .88
Meagher	2,100	*	*	*
Mineral	3,400	$ 1,008	$ 1,540	$ .45
Missoula	63,300	N/A	N/A	N/A
Musselshell	4,100	*	*	*
Park	11,900	N/A	$ 11,832	$ .99
Petroleum	700	N/A	N/A	N/A
Phillips	5,200	$ 6,900	$ 7,620	$ 1.47
Pondera	7,100	$ 4,590	$ 8,381	$ 1.18
Powder River	2,300	$ 2,745	$ 3,945	$ 1.72

(continued)

N/A - Information not available
* - No probation program in county

Table B-43 (Continued)

PROBATION COSTS - Fiscal Year 1973

County	1973 Population	Salaries	Total Cost	Total Cost Per Capita
Powell	7,000	$ 4,000	$ 5,000	$ .71
Prairie	1,900	$ 1,327	$ 1,627	$ .86
Ravalli	17,200	$ 7,583	$ 10,285	$ .60
Richland	9,800	N/A	$ 16,675	$ 1.70
Roosevelt	10,300	$ 5,940	$ 11,288	$ 1.10
Rosebud	6,900	$ 3,703	$ 4,803	$ .70
Sanders	7,600	$ 3,897	$ 5,834	$ .77
Sheridan	5,600	$ 3,570	$ 8,870	$ 1.58
Silver Bow	43,300	$ 19,380	$ 27,050	$ .63
Stillwater	4,900	N/A	N/A	N/A
Sweet Grass	3,100	*	*	*
Teton	6,500	N/A	$ 8,803	$ 1.35
Toole	5,700	$ 5,311	$ 11,164	$ 1.96
Treasure	1,100	N/A	N/A	N/A
Valley	13,200	N/A	N/A	N/A
Wheatland	2,500	*	*	*
Wibaux	1,400	N/A	$ 6,200	$ 4.43
Yellowstone	93,200	N/A	N/A	N/A

N/A - Information not available
* - No probation program in county

Table B-44
PROBATION COSTS - Fiscal Year 1974

County	1974 Population	Salaries	Total Cost	Total Cost Per Capita
Beaverhead	8,300	$ 4,200	$ 4,200	$ .51
Big Horn	10,500	N/A	N/A	N/A
Blaine	6,800	$ 4,709	$ 5,843	$ .86
Broadwater	2,700	N/A	$ 2,025	$ .75
Carbon	7,900	N/A	N/A	N/A
Carter	1,900	$ 4,748	$ 5,298	$ 2.79
Cascade	84,300	N/A	$ 50,221	$ .60
Chouteau	6,400	N/A	$ 9,826	$ 1.54
Custer	12,300	$ 11,850	$ 14,850	$ 1.21
Daniels	3,200	$ 2,292	$ 3,919	$ 1.22
Dawson	10,900	$ 4,000	$ 6,940	$ .64
Deer Lodge	15,100	N/A	$ 34,010	$ 2.25
Fallon	3,900	$ 9,090	$ 10,390	$ 2.66
Fergus	12,900	$ 8,212	$ 19,491	$ 1.51
Flathead	42,600	N/A	$ 36,000	$ .85
Gallatin	36,000	N/A	N/A	N/A
Garfield	1,600	$ 4,695	$ 5,295	$ 3.31
Glacier	11,400	$ 5,500	$ 14,400	$ 1.26
Golden Valley	900	*	*	*
Granite	2,700	$ 3,000	$ 4,483	$ 1.66
Hill	17,700	$ 5,940	$ 17,965	$ 1.01
Jefferson	6,900	$ 2,400	$ 2,944	$ .43
Judith Basin	2,700	$ 3,073	$ 3,537	$ 1.31
Lake	16,700	$ 9,094	$ 16,862	$ 1.01
Lewis and Clark	36,000	$ 21,810	$ 26,628	$ .74
Liberty	2,300	N/A	$ 1,572	$ .68
Lincoln	17,000	N/A	$ 17,616	$ 1.04
Madison	5,900	$ 1,000	$ 1,500	$ .25
McCone	2,700	$ 1,634	$ 2,461	$ .91
Meagher	2,100	*	*	*
Mineral	3,600	$ 975	$ 1,471	$ .41
Missoula	63,700	$ 31,550	$ 38,089	$ .60
Musselshell	4,200	*	*	*
Park	11,900	N/A	$ 12,872	$ 1.08
Petroleum	600	N/A	N/A	N/A
Phillips	5,500	$ 6,900	$ 7,600	$ 1.38
Pondera	6,700	$ 4,950	$ 10,924	$ 1.63
Powder River	2,200	$ 7,752	$ 9,152	$ 4.16

(continued)

N/A - Information not available
* - No probation program in county

Table B-44(Continued)

PROBATION COSTS - Fiscal Year 1974

County	1974 Population	Salaries	Total Cost	Total Cost Per Capita
Powell	7,400	$ 4,000	$ 5,500	$ .74
Prairie	1,900	$ 3,798	$ 4,298	$ 2.26
Ravalli	17,900	$ 11,780	$ 15,852	$ .89
Richland	9,900	N/A	$ 17,016	$ 1.72
Roosevelt	10,500	$ 6,605	$ 13,280	$ 1.26
Rosebud	7,700	$ 10,591	$ 14,091	$ 1.83
Sanders	7,800	$ 3,900	$ 5,775	$ .74
Sheridan	5,300	$ 4,170	$ 9,770	$ 1.84
Silver Bow	43,200	$ 20,900	$ 36,800	$ .85
Stillwater	5,200	N/A	N/A	N/A
Sweet Grass	3,100	*	*	*
Teton	6,400	N/A	$ 10,478	$ 1.64
Toole	5,400	$ 6,100	$ 15,020	$ 2.78
Treasure	1,200	N/A	N/A	N/A
Valley	13,000	N/A	$ 16,116	$ 1.24
Wheatland	2,500	*	*	*
Wibaux	1,400	N/A	$ 6,050	$ 4.32
Yellowstone	94,300	N/A	N/A	N/A

N/A - Information not available
* - No probation program in county

Table B-45

PROBATION COSTS - Fiscal Year 1975

County	1975 Population	Salaries	Total Cost	Total Cost Per Capita
Beaverhead	8,300	$ 4,200	$ 4,200	$ .51
Big Horn	10,900	N/A	$ 9,131	$ .84
Blaine	6,800	$ 6,056	$ 7,394	$ 1.09
Broadwater	2,800	N/A	$ 2,275	$ .81
Carbon	7,700	N/A	$ 7,651	$ .99
Carter	1,900	$ 5,364	$ 7,791	$ 4.10
Cascade	84,600	N/A	$ 64,628	$ .76
Chouteau	6,200	N/A	N/A	N/A
Custer	12,000	$ 13,470	$ 23,037	$ 1.92
Daniels	3,000	N/A	$ 7,000	$ 2.33
Dawson	10,300	$ 4,750	$ 7,700	$ .75
Deer Lodge	15,200	$ 21,900	$ 37,975	$ 2.50
Fallon	4,000	$ 10,311	$ 13,563	$ 3.39
Fergus	12,800	$ 8,903	$ 18,157	$ 1.42
Flathead	44,200	N/A	$ 47,498	$ 1.07
Gallatin	38,800	N/A	N/A	N/A
Garfield	1,600	$ 5,304	$ 7,706	$ 4.82
Glacier	11,600	N/A	N/A	N/A
Golden Valley	927	*	*	*
Granite	2,700	$ 3,600	$ 4,700	$ 1.74
Hill	17,900	$ 6,750	$ 32,899	$ 1.84
Jefferson	7,200	$ 2,400	$ 3,106	$ .43
Judith Basin	2,700	$ 3,666	$ 4,262	$ 1.58
Lake	17,000	N/A	N/A	N/A
Lewis and Clark	36,900	$ 32,516	$ 38,180	$ 1.03
Liberty	2,500	N/A	$ 4,161	$ 1.66
Lincoln	15,800	N/A	$ 21,957	$ 1.39
Madison	5,800	$ 2,200	$ 2,700	$ .47
McCone	2,700	$ 1,980	$ 2,747	$ 1.02
Meagher	2,200	*	*	*
Mineral	3,500	N/A	N/A	N/A
Missoula	66,500	$ 31,575	$ 38,013	$ .57
Musselshell	4,100	*	*	*
Park	12,000	N/A	$ 12,505	$ 1.04
Petroleum	658	N/A	N/A	N/A
Phillips	5,400	$ 6,900	$ 7,600	$ 1.41
Pondera	6,900	$ 7,250	$ 12,781	$ 1.85
Powder River	2,300	$ 8,880	$ 17,225	$ 7.49

(continued)

N/A - Information not available
* - No probation program in county

Table B-45 (Continued)

PROBATION COSTS - Fiscal Year 1975

County	1975 Population	Salaries	Total Cost	Total Cost Per Capita
Powell	7,400	$ 4,000	$ 5,500	$ .74
Prairie	1,900	$ 4,291	$ 6,563	$ 3.45
Ravalli	18,500	N/A	N/A	N/A
Richland	9,700	N/A	$ 16,920	$ 1.74
Roosevelt	10,000	N/A	$ 13,000	$ 1.30
Rosebud	9,578	N/A	$ 22,540	$ 2.35
Sanders	8,000	N/A	N/A	N/A
Sheridan	5,400	$ 4,695	$ 10,295	$ 1.91
Silver Bow	43,200	$ 23,750	$ 45,650	$ 1.06
Stillwater	5,300	N/A	$ 5,334	$ 1.01
Sweet Grass	2,900	*	*	*
Teton	6,500	N/A	$ 14,859	$ 2.29
Toole	5,300	$ 7,656	$ 17,016	$ 3.21
Treasure	1,228	N/A	$ 1,722	$ 1.40
Valley	13,300	N/A	$ 13,301	$ 1.00
Wheatland	2,300	*	*	*
Wibaux	[illegible]	N/A	$ 6,400	$ 4.40
Yellowstone	87,300	N/A	$ 69,244	$ .71

N/A - Information not available
* - No probation program in county

Prosecution, Defense, and Legal Education

A. Prosecution

(1) The Attorney General

As the constitutionally-designated chief legal officer, the Attorney General is principally related to the prosecutorial system in the state by his supervisory authority over county attorneys. In addition, for the past two years, the Attorney General has exercised an extraordinary prosecutorial function through the appointment of a Special Prosecutor with staff and the convening of a grand jury to investigate and prosecute a far-reaching scandal in the area of workmen's compensation.

Other duties of the Attorney General include administration of the Department of Justice, of which he is head, the prosecution or defense before the Supreme Court of all causes to which the state or any officer is a party and all causes to which any county is adverse to that of the state or some officer thereof; the keeping of a public register of all cases in which he is required to appear; and the rendering of his written opinion without fee to the Legislature, and to any state officer, board or commission, to any county attorney, to any city attorney, and to any board of county commissioners when required upon any question of law relating to their respective offices.

The Attorney General is elected to a four-year term, at a salary of $25,000. He must be at least 25 years of age, a United States citizen who has resided in the state for two years preceding his election, and have been admitted to the practice of law in Montana for at least five years prior to election.

The legal services responsibilities of the Attorney General are discharged through a division staffed by seven attorneys, one executive secretary, and five clerical persons. The Special Prosecutor's office, which is not attached to the legal services division, includes a staff of attorneys in addition to the special prosecutor.

(2) County Attorney Coordinator

A training coordinator for county attorneys was established within the Department of Justice in 1974 through the award of a grant from the SPA. Funding for the position has now been assumed by the state, budgeted for in conjunction with the legal services division of the Department of Justice. Approximately $353,000 has been budgeted and appropriated for both functions for fiscal 1976, and about $377,000 for fiscal 1977. The position was vacant, except for some part-time liaison by the outgoing coordinator, from October, 1975, through May, 1976.

The training coordinator program represents a cooperative effort between the county attorneys and the Attorney General to provide needed services to county attorneys. The coordinator is an attorney appointed by the Attorney General from a list of three names submitted by the president and board of directors of the County Attorneys' Association. His duties include providing in-state training in current aspects of the criminal law to county attorneys and other law enforcement personnel, assisting in developing and disseminating standards, procedures, and policies to insure that criminal laws are applied consistently and uniformly throughout Montana, consolidating past and present information on important aspects of the criminal law and providing a pool of official opinions and legal briefs, and providing support with research, briefs, or other technical assistance requested by a county attorney or law enforcement official. Administrative support for the office is supplied by the Department of Justice.

(3) County Attorneys

a. Manpower

The county attorney is the public prosecutor. Each of Montana's 56 counties has a county attorney who is elected to a four-year term and who must be admitted to practice law in Montana. Vacancies are filled by appointment of the county commissioners. If a vacancy occurs and no licensed eligible attorney resides in the county, the Board of County Commissioners has the power to employ special counsel from outside the county.

County attorneys, as of 1975, receive annual salaries ranging from $8,265 to $25,000, half of which is paid by the state. Compensation is based on a scale or formula which considers the population of a county and its taxable valuation, except in the case of a county attorney of a county with more than 30,000 population, who may be paid $25,000 for full-time work at the discretion of the county commissioners.

Six counties have full-time county attorneys, who are precluded from engaging in private practice by law. In 49 counties, the county attorneys give part time to public duties and part time to private practice. One county, the smallest in population, contracts by interlocal agreement for the part-time services of a neighboring county attorney.

The county must provide the county attorney with office space, supplies, and a support staff. In first and second class counties, a county attorney may have one chief deputy and one other deputy unless the county commissioners determine that more or fewer are needed. In third class counties, the county attorney may not have more than one chief deputy and a deputy. In practice, 10 counties have six each. A deputy may be paid up to 90% of the county attorney's salary if the county attorney is part-time or

70% of a full-time county attorney's salary. Partly supported by an SPA grant to the law school, 22 law interns were employed in offices of county attorneys in the summer of 1976.

Between 1969 and mid-1975, the SPA awarded grants for 114 out-of-state training seminars for county attorneys and deputies. In 1974-1976, at least four in-state training sessions were held to update participants in substantive and procedural law and in office management. The National District Attorneys' Association has been requested to provide technical assistance in office management to the two largest prosecutors' offices in Montana, those in Yellowstone and Missoula counties.

b. Workload

In addition to the responsibilities for criminal prosecution, the county attorney has numerous statutory civil functions. He is the legal adviser of the Board of County Commissioners and other county agencies. He represents the county in all actions, suits, and proceedings to which the county is a party. He must, when required, give his opinion in writing to county officers relating to the duties of their respective offices. He must also represent the state in all matters and proceedings within the county to which the state is a party or in which it may be beneficially interested. Numerous quasi-criminal and administrative prosecutions or representations are also assigned to the offices of the county attorneys by specific state and federal legislation; i.e., juvenile proceedings, child abuse and neglect, corrupt practices of public officials and candidates, mental commitments, non-support, etc. The two or three largest prosecutors' offices are able to assign full-time staff attorneys to such special areas: most, of course, are not.

Currently, there is no regular caseload reporting by county attorneys. It is anticipated that this major disjunction in system data elements will be cured in 1977. For caseload information currently available, see the system performance chart and information regarding prosecutors' 1975 caseloads in the section dealing with high crime areas.

It is a matter of conventional wisdom that Montana county attorneys use traditionally broad prosecutorial discretion to divert selected offenders from the criminal justice system. The degree to which informal diversion is practiced is presently unknown. A major project in deferred prosecution was begun in Yellowstone County in mid-August, 1975, funded by the SPA. Set up as a separate division in the office of the county attorney, the deferred prosecution program includes multi-agency cooperation, the use of community resources, and considerable citizen involvement. It is modeled, with local adaptations, on the Flint, Michigan, program. Yellowstone county commissioners this year budgeted for continuation of the project.

As may be observed in Table B-34 in the section concerning resources and capabilities of district courts, guilty pleas are taken in an average of 77.5% of the felony cases heard statewide. The national average for guilty pleas to felony charges appears to range between 90% and 95%.

c. Cost data

In fiscal 1975, the expenditures for county attorneys' salaries from the state general fund totaled $316,909. This amount represented an approximate 12% increase over expenditures for fiscal 1974, which totaled $283,004, and reflects the state share of additional expense incurred by allowing for full-time prosecutors in the more urban counties.

Total local expenses for county attorneys' offices rose in fiscal 1975 by about 23% over fiscal 1974, as is shown in the following table. The largest increases were in counties with the most rapid population growth and in the county where the state prison is located. Reductions in expenditure occurred in some rural counties where projections of costs of courts, prosecution, or defense are uncertain. In some of these counties, a single major crime may double annual court-related costs over the previous year, or the absence of a major trial may reduce costs projected from a previous year's experience.

Table B-46
County Expenditures for Office of County Attorney
Fiscal 1974 and 1975

County	FY 1975	FY 1974	County	FY 1975	FY 1974
Beaverhead	$14,721	$12,160	Judith Basin	$ 9,176	$12,207
Big Horn	22,991	19,783	Lake	25,203	22,948
Blaine	16,265	7,951	Lewis & Clark	51,091	50,509
Broadwater	8,269	7,950	Liberty	7,465	6,860
Carbon	13,576	11,018	Lincoln	30,315	15,903
Carter	10,727	13,082	Madison	11,677	11,816
Cascade	100,472	95,711	McCone	9,420	7,868
Chouteau	10,549	9,671	Meagher	7,165	5,615
Custer	21,731	20,134	Mineral	13,899	7,710
Daniels	10,005	8,667	Missoula	133,810	97,498
Dawson	22,175	19,006	Musselshell	12,916	12,492
Deer Lodge	26,289	22,462	Park	19,786	13,907
Fallon	24,376	14,508	Petroleum	1,528	1,627
Fergus	37,301	23,729	Phillips	14,286	11,400
Flathead	75,133	72,845	Pondera	24,187	10,647
Gallatin	67,561	N/A	Powder River	15,467	13,192
Garfield	12,229	9,597	Powell	29,377	10,615
Glacier	20,088	N/A	Prairie	8,068	6,255
Golden Valley	4,905	4,315	Ravalli	32,805	19,479
Granite	11,959	9,620	Richland	14,107	12,371
Hill	23,371	20,186	Roosevelt	22,288	20,715
Jefferson	23,438	12,207	Rosebud	25,930	14,765

Table B- 46 (Continued)

County	FY 1975	FY 1974	County	FY 1975	FY 1974
Sanders	11,143	9,670	Toole	11,580	10,872
Sheridan	13,612	11,481	Treasure	4,926	5,420
Silver Bow	86,177	75,923	Valley	24,801	20,250
Stillwater	12,765	7,501	Wheatland	8,196	6,852
Sweetgrass	11,402	10,302	Wibaux	9,956	8,862
Teton	10,482	9,903	Yellowstone	151,666	140,996
FY 1975 TOTAL	$1,454,803		FY 1974 TOTAL	$1,113,918	

(4) City Attorneys

Montana cities and towns may employ a city attorney, although they are not statutorily required to do so. The office may be created or abolished by the city council, but if the council decides to engage a city attorney, the appointment is made by the mayor with the council's advice and consent. An appointment is for two years, with a salary or fees set by ordinance. The city attorney must be admitted to practice law in Montana. The county attorney may also serve as attorney for a third class city if such arrangements are made through interlocal agreement. It is the duty of the city attorney to prosecute on behalf of the city in city court or district court. Moreover, he must draw contracts and ordinances for the city council as required and furnish the mayor or city council, as requested, written opinions on questions pertaining to the duties, rights, liabilities, and powers of the municipal corporation. He may be suspended or removed from office by the city council for the neglect, violation, or disregard of these duties or of the ordinances of the city.

With the recent expansion of jurisdiction of city courts, noted in the judicial branch section, city attorneys in the larger communities have become a significant segment of the manpower available for misdemeanor prosecutions. As is the case with city courts, however, little data is recorded or reported. An informational base should become collectible once the local government review process is completed in Montana. (See judicial branch section on city courts.)

B. Defense of Indigent Criminal Accused

Under a permissive statute, county commissioners may establish an office of public defender and provide for the appointment of a defender and such assistants as may be necessary. Thirteen counties have appointed 29 part-time public defenders. In practice, the appointments are usually made pursuant to recommendations from the district judges. In two multi-judge districts, county commissioners contract for services with one law firm or act upon recommendations made by the judges as a group. In two other multi-judge districts, each judge appoints one lawyer or one firm to handle adult or juvenile indigent defense needs that may arise in his court.

In the more sparsely settled areas, the common procedure is the appointment of counsel in each case by the district judge, with the assignments rotated among members of the bar in the county or the judicial district. Some judges appoint only lawyers who have indicated a willingness to accept such assignment: others mandate acceptance of an appointment. In counties with very few lawyers, it is often difficult to assign a counsel who is free of potential conflicts of interest. See tables B-49,50 on number and distribution of attorneys.

The costs of public defense or assigned counsel are chargeable against the county where the proceeding arose except that in proceedings solely involving the violation of a city ordinance or state statute prosecuted in a city court, the costs are chargeable to the city or town where the proceedings arose, and in proceedings involving an arrest by agents of the Department of Fish and Game or agents of the Department of Justice, or charges brought by state prosecutors, the costs are to be borne by the state agency causing the arrest or filing the information. Salaries of part-time public defenders are set by the county commissioners, usually upon recommendations of a district judge. There is wide variation in salaries. In the case of assigned counsel, the judge is to certify reimbursement for reasonable fees and expenses. Judicial interpretation of what is "reasonable" also varies widely. Several appeals of such interpretations are pending before the state supreme court as of this writing. Few, if any, counsel for indigent defense have access to the services of an investigator. Except in two public defender offices, administrative and clerical services to the defense counsel are supplied by the firm with which the lawyer is affiliated. Sometimes judges allow expense allocations for overhead, sometimes not. Four county public defenders received summer law interns in 1976.

Opportunities for in-service training for defense counsel have been minimal. Between 1969 and mid-1975, the SPA awarded five grants for out-of-state training for part-time public defenders. A 1975 in-state training seminar, sponsored by the Montana Criminal Defense Lawyers Association and the SPA, was attended by more than 50 attorneys interested in trial tactics in criminal defense.

Indigency determinations are, by statute, to be made by district judges or a supreme court justice. In at least one multi-judge district that authority has been delegated provisionally by the judges to the public defenders in order to guarantee early representation at critical stages. In most districts, however, early representation is uncertain. Moreover, there are no state guidelines or rules of procedure to define indigency, so there is no uniformity in the results of indigency determinations.

Beyond the foregoing statutory provisions and observed practices, the only manpower, workload, and cost data on indigent defense services in Montana is attached as Table B-47, which is self-explanatory. Currently, the National Center for Defense Management (NCDM) is conducting an appraisal by sampling existing defense services in the state. NCDM will also make alternative recommendations based on its findings for structuring a statewide defense system to a broadly representative steering committee, now in a formative state. The steering committee will then proceed to draft legislation for the consideration of the 1977 Legislative Assembly.

Table B-47

Sampling of Payments to Legal Counsel for Indigent Criminals Accused in Montana In 1975

Figures or estimates were collected by staff of the SPA May 4-6, 1976, and compared with (1) amounts listed in the Annual Reports of County Clerks and Recorders to the Department of Community Affairs (DCA) and (2) court data on criminal cases in district courts gathered by the SPA. Among the local officials consulted were Public Defenders, Clerks of Court, County Clerks and Recorders, and County Auditors. The sampling does not include all districts Persons contacted were those who could be reached quickly by telephone. At least four counties with public defenders were not included. Counties contacted using the assigned counsel approach include four which reported defense expenditures on DCA annual reports and three which did not itemize defense costs within overall district court expenditures.

DEFENDERS

District	County	# of Defenders	Salary or Contract Amt.	Expense Allocation	Estimate No. of Cases	Method of Selection
1	Lewis & Clark	4--Two for each judicial department. All part-time	$375 a month ea. & $100 a day for trial time in district court	Yes. Submit claim	75 felonies - ? misdemeanors	Appointed by district judges ratified by commissioners
2	Silver Bow	2 part-time	$800 a month each	Yes. $100 a month each. Share a full-time secretary	150 felonies & misdemeanors	Appointed by county commissioners
3	Granite Powell	1 full-time time district defender	$1500 a month	Yes. Secretarial & office expenses plus	230 adult felonies & misdemeanors. No estimate, juvenile	Appointed by trial county board on recommendation of district judge
	Deer Lodge	1 part-time district defender	$600 a month project supported until mid-summer 1976 (approx) by DF grant from LEAA	plus travel expenses at 15¢ a mile & $30 a day		

Table B- 47 (Continued)

District	County	# of Defenders	Salary or Contract Amt.	Expense Allocation?	Estimate # of Cases	Method of Selection
4	Lake	1 part-time	$700 a month (1975) $800 a month (1976)	No		Appointed by county commission on recommendation of district judge
	Missoula	3 part-time All members of one firm	$22,500 contract for 1975. Paid office overhead & expenses. County also paid some assigned counsel fees. Contract amount under renegotiation upward in 1976	No		Contract with county commission
13	Yellowstone	2 individuals part-time	$1200 a month ea.	Yes	75-100 felonies each attorney	Appointment by county commission
		1 two-member firm, part-time	$1200 a month to firm	Yes		
		1 juvenile advocate	?			Appointment youth court judge

Table B- 47 (Continued)

District	County	# of Defenders	Salary or Contract Amt.	Expense Allocation?	Estimate # of Cases	Method of Selection
18	Gallatin	3-part-time	One individual, $291 a month- All 3, $130 a month* (for expenses?) *division of reimbursement not entirely clear	Sums paid probably should be classified as expense reimbursement, all defenders consider their activity as fundamentally pro bono	One defender handles 100 to 150 felonies misdemeanors, commitments, etc., per yr. Other two may average 50 cases a year each	Appointment by district court judge

Table B-48
Assigned Counsel

District	County	Fee or Reimbursement	Expense Allocation	Estimate # of Cases	Method of Selection
7	Dawson	Counsel submits blank claim to judge who fills in amounts as the court deems reasonable. Total paid out in 1975-$3329.			Appointment by district judge
9	Glacier	Counsel submits claim as for private client. Judge adjusts amount as deemed reasonable. Budgeted $5000 for 1975	Claim includes expenses		Rotated amount 4(?) eligible attorneys
10	Fergus	Averages $250 per case. Fee is authorized by district judge on case-by-case basis. Budget for 1976-$10,000 was overspent. There is discussion of establishing a district defender.	Included in amount authorized		Rotated among members of bar who will accept assignment. Most cases are handled by one of three firms who will accept assignment.

Table B-48 (Continued)

District	County	Fee or Reimbursement	Expense Allocation	Estimate # of Cases	Method of Selection
12	Hill	$20 per hour. Total for 1975-$11,937.00	No	40-45	Assigned on rotation basis by district judge. All members of bar who have no conflict of interest participate
13	Carbon	Claim submitted by counsel subject to approval by judge. Total for 1975-$1,074	Included in claim	4	Assigned on rotation basis by judge. Four attys. in co. are available for assignment
14	Musselshell	Claim submitted by counsel based on prevailing hourly rate in community. Total in 1975 - $576.03	No.	3	Appointed by judge. Two attys. in District 14 are eligible for appointment.
15	Roosevelt	Claim submitted by counsel on basis of fixed fee for indigent defense that is somewhat lower than usual fee for service in the community			Assigned on rotation basis by district judge. Four attys. in District 15 are eligible for appointment

Table B-48 (Continued)

District	County	Fee or Reimbursement	Expense Allocation	Estimate # of Cases	Method of Selection
16	Powder River	Judge sets fee on case basis, considering type of case, hours spent, mileage, etc. Total for 1975-$500. Total for 1974 - $3000. Clerk notes great difficulty with accurate budgeting. District is considering public defender for 1976.	Included in fee allowed		Appointed on rotation basis by judge. Attorneys in District 16 must accept assignment.

C. Codes of Criminal Law and Procedure

Montana recently revised its codes of criminal law and criminal procedure. The code of criminal procedure was enacted in 1967, with extensive modifications in 1971, and 1973. It is based on the old Montana code, Montana case law, federal case law, statutes and decisions of sister states, and proposed model legislation. The code most relied upon was the Illinois Code of Criminal Procedure, passed in 1963. The new criminal law code became effective January 1, 1974. Its sources are similar to those from which the code of criminal procedure was drawn. The draft revision of both codes was prepared by the Montana Criminal Law Commission, whose chairman was an associate justice of the supreme court, and whose vice chairman was the professor of criminal law at the University of Montana School of Law. The commission's work in drafting both codes was funded in part by the SPA, as is a similar revision of the rules of evidence, currently underway.

D. The State Bar

As is true in many other states, the bar association is governed by elected officers, while admission to the bar and discipline and removal are among the constitutional responsibilities of the Supreme Court. As indicated previously, the Montana bar was unified by Supreme Court order effective July 1, 1975. Membership is now mandatory for the 1,360 lawyers admitted to practice in Montana.

Graduates of the University of Montana School of Law are admitted to practice in the state by "diploma privilege" (without a bar examination requirement). The constitutionality of the diploma privilege has been upheld in tests in state and federal court, with denial of certiorari by the U.S. Supreme Court. A passing grade on a written examination is mandatory for graduates of other law schools, except those who qualify for admission by virtue of reciprocity with another state.

At least two Continuing Legal Education seminars are sponsored jointly by the State Bar (or one of its sections) and the law school.

Number and distribution of Montana attorneys is shown in Tables B-49 and B-50.

Table B-49
Number of Attorneys by Judicial District

District	1970 Population[1]	Number of Attorneys[2]
1	35,807	213
2	41,981	109
3	25,049	27
4	97,168	203
5	18,439	21
6	14,177	20
7	25,446	24
8	88,277	164
9	29,349	42
10	15,953	22
11	57,523	92
12	26,444	33
13	110,205	247
14	9,316	12
15	19,227	18
16	30,622	33
17	16,857	16
18	32,505	64
TOTALS		
18	694,345	1,360

Sources:

1. U.S. Department of Commerce, Bureau of Census, 1970 Census of Population, Number of Inhabitants: Montana (Washington, D.C.: U.S. Government Printing Office, 1970), p. 12.

2. Legal Directories Publishing Company Inc., The Montana States Legal Directory, 1974-1975 (Los Angeles: Legal Directories Publishing Company 1974) pp. 217-247.

Table B-50
Number of Attorneys by County

County	1970 Population[1]	Number of Attorneys[2]
Beaverhead	8,187	12
Big Horn	10,057	10
Blaine	6,727	6
Broadwater	2,526	2
Carbon	7,080	8
Carter	1,956	1
Cascade	81,804	156
Choteau	6,473	8
Custer	12,174	19
Daniels	3,083	3
Dawson	11,269	11
Deer Lodge	15,652	18
Fallon	4,050	4
Fergus	12,611	19
Flathead	39,460	79
Gallatin	32,505	64
Garfield	1,796	1
Glacier	10,783	15
Golden Valley	931	1
Granite	2,737	2
Hill	17,358	25
Jefferson	5,238	5
Judith Basin	2,667	2
Lake	14,445	20
Lewis and Clark	33,281	211
Liberty	2,359	2
Lincoln	18,063	13
Madison	5,014	4
McCone	2,875	1
Meagher	2,122	2
Mineral	2,958	2
Missoula	58,263	158
Musselshell	3,734	6
Park	11,197	12
Petroleum	675	1
Phillips	5,386	4
Pondera	6,611	13
Powder River	2,862	1
Powell	6,660	7
Prairie	1,752	1
Ravalli	14,409	16
Richland	9,837	10
Roosevelt	10,365	11
Rosebud	6,032	6
Sanders	7,093	7
Sheridan	5,779	4

Table B- 50 (Continued)

County	1970 Population[1]	Number of Attorneys[2]
Silver Bow	41,981	109
Stillwater	4,632	8
Sweet Grass	2,980	8
Teton	6,116	5
Toole	5,839	9
Treasure	1,069	1
Valley	11,471	12
Wheatland	2,529	3
Wibaux	1,465	2
Yellowstone	87,367	220
TOTALS		
56	694,345	1,360

Sources:

1. U.S. Department of Commerce, Bureau of Census, 1970 Census of Population, Number of Inhabitants: Montana (Washington, D.C.; U.S. Government Printing Office, 1970), p. 12.

2. Legal Directories Publishing Company Inc., The Mountain States Legal Directory, 1974-1975 (Los Angeles: Legal Directories Publishing Company, 1974), pp. 217-247. Judges are excluded from the above tabulation.

E. The Law School

Cognizant of the responsibilities associated with the "diploma privilege," the law school gears its curriculum to the production of general practice lawyers and trial attorneys for Montana. In the criminal justice area, requirements include two semester hours of criminal law, three hours of criminal procedure, and four hours of evidence. Courses are taught with a Montana law emphasis. Other required courses include contracts, property, federal and state civil procedure, constitutional law, commercial transactions, agency and partnership, corporation law, torts, professional responsibility, and courtroom and office practice.

Most students in their third year participate in the Defender Project, which involves the representation of prisoners in the state penitentiary for purposes of sentence equalization and/or post-conviction remedies. The Defender Project is supervised by a law professor and is financed in part with funding from the SPA.

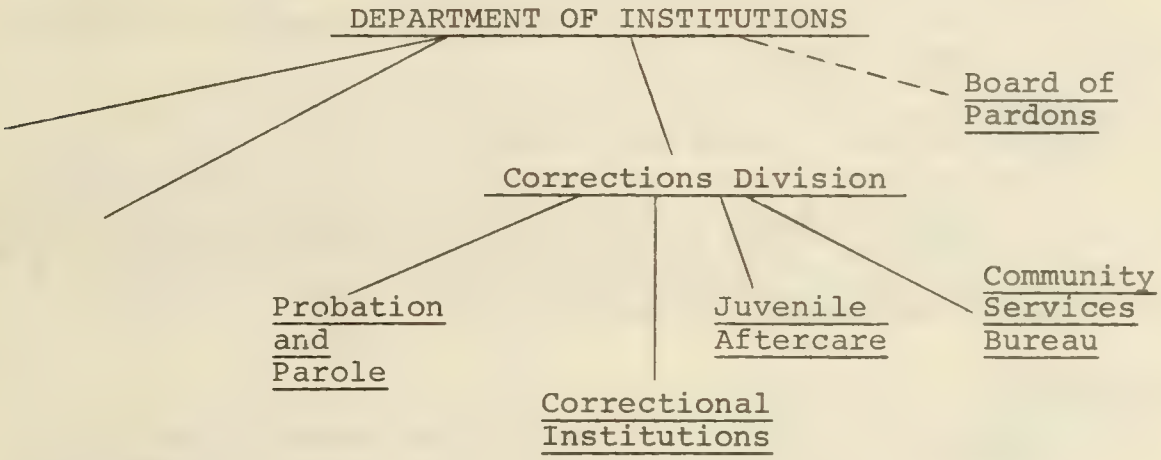
Thirty to 40 students a year participate in summer internship programs in offices of Montana county attorneys, city attorneys, judges, or defenders. These internships have been made possible by grants from the SPA.

The Supreme Court, in 1975, adopted a new student practice rule allowing law students to practice before the state district courts under the supervision of a licensed attorney.

Tentative approval has been given for an LEAA discretionary grant to the law school for the purpose of establishing a legal information center. The center will provide legal research assistance to judges, prosecutors, and defenders upon request. The operation will be staffed by a full-time director and legal secretary and student assistants. Requests will be received over a toll-free telephone line or by mail. Users will receive a memorandum analyzing and synthesizing the relevant law, or library materials, or other service depending on the request and the amount of time allowable for response. The purpose of the program is to provide improved legal research capabilities to judges, prosecutors, and defenders in areas where local resources are less than adequate. A side benefit will be educational value to law students in attaining improved skills in legal research. The legislature will be asked to appropriate funds to finance the continuing operation.

Department of Institutions

The Division of Corrections is one of three divisions within the Department of Institutions. The Division includes the bureaus of Probation and Parole, Aftercare, and Community Services.



Probation and Parole district offices are located in Great Falls, Missoula, Billings, Kalispell, Polson, Butte, Havre, Miles City, Helena, Bozeman, Glendive, Forsyth, and Deer Lodge.

The Corrections Division administers probation and parole services for Montana's 18 judicial districts and 28 judicial district judges and furnishes the counties with requested services. (See Illustration B-19, map of judicial districts, page 148.)

Principal goals of the Division are the protection of society during the offender's term of sentence and the eventual return to society of a law-abiding citizen.

Goals of the Probation and Parole Bureau are:

1. To provide the offender with sufficient supervision to eliminate further acts of delinquency without dehumanization;

2. To help the offender locate proper residence and employment to sustain his needs during the entire term of sentence on probation or parole;

3. To facilitate proper treatment the offender may require for good physical and mental health;

4. To better enable the offender to operate within the correctional system and to cope with handicaps imposed as a result of the conviction;

5. To encourage the offender to seek additional academic or vocational training as required to obtain his or her goals for the future;

6. To provide fair and just treatment for all regardless of ethnic origin or religious beliefs.

The Bureau of Probation and Parole is concerned with the following target groups:

1. PROBATIONERS

Probation is a course of treatment in which final action in a case is suspended or deferred, allowing the offender to remain at liberty, subject to conditions imposed by or for the Court, under the supervision and guidance of a probation-parole officer.

2. PAROLEES

A parolee is an offender who, after serving part of a term in a correctional institution, is conditionally released under supervision and treatment by a probation-parole officer.

3. FURLOUGHED INMATES

Through work or school, furloughed inmates of the prison are released into the community to pursue vocational or educational skills. Furloughed inmates must report to the local officer.

The Bureau employs 40 field staff people supervised by a Chief and his administrative staff, which includes an Assistant Chief and two other employees. The district offices are under the direct supervision of this administrative staff.

State statute, 95-3302.1, requires a probation and parole officer to have at least a college degree including some formal training in behavioral sciences. Any exceptions to this rule must be approved by the Department of Institutions.

Related work experience may be substituted for the educational requirements at the rate of one year's experience for nine months' formal education, if approved by the Department. All present employees are exempt from the requirement but are encouraged to further their education whenever possible.

The Parole Board
(Board of Pardons)

The Parole Board is an autonomous decision-making body that consists of three part-time members who serve staggered, renewable four-year terms. All members are appointed by the Governor from a list of recommendations drawn up by his staff.

The Parole Board hires an Executive Secretary, who is charged with the administration of the Board of Pardons. He keeps such records, reports, and data as the Parole Board may require.

The Parole Board also hires a Hearing Examiner, who is charged with interviewing persons eligible for parole or executive clemency and reports this information and recommendations to the Parole Board.

The Board's secretary is charged with the responsibility of setting up the monthly agenda, taking care of daily correspondence, and compiling all pertinent information for Board meetings.

The Board of Pardons is allocated to the Department of Institutions for administrative purposes only. The chairman is elected by the members of the Board and serves for the remainder of his term. His salary, like that of the others, is $25.00 per day plus expenses. The chairman has no specific powers or duties, but acts as a spokesman for the Board.

The Board is required to meet at least two days a month. The Parole Board is basically concerned with conducting hearings to determine if inmates at Montana State Prison should be placed on parole and to decide whether or not a person on parole has violated the conditions of release.

The Parole Board has full parole jurisdiction of adult males and females, no age limitations, who are confined in Montana State Prison. In addition to its primary function of paroling felons, the Board also serves as a recommending and advisory body to the Governor in the matters of pardons and commutations.

The Board does have the authority to discharge a parolee from further supervision short of the expiration of his maximum sentence. The Board also conducts parole revocation hearings for parolees who have allegedly violated their parole conditions.

Parole Board hearings are conducted each month at Montana State Prison by the full Board. If the inmate is initially denied parole and is passed for a year or longer, the Board's policy is to review each case at the end of that year (annual review). The Board also sets the date for each person's hearing on an individual basis.

Public hearings are held when a person seeks a commutation or a pardon. Such hearings are a matter of public record.

In a typical day the Board will review approximately 45 cases, including interviewing approximately 25 for parole. Present at the Parole Board hearings are an entire board, the inmate, and members of the Board of Pardons staff. Counsel is permitted at parole revocation hearings, but not at the Board's expense. No record is made of the proceedings at this time, but plans are being made to record the hearings.

The Board will accept written or oral arguments prior to the hearing from an inmate's counsel, family, friends, and other interested parties.

The Board informs the sentencing judge, county attorney, and local sheriff of the inmate's approaching parole hearing and invites opinions from them on the subject of the inmate's parole.

The inmate is informed of the Board's decision, in writing, immediately after the parole hearing.

If a detainer is pending on an inmate, the Board does not attempt to ascertain the intentions of the issuing authority or to accelerate the disposition of a new charge. Usually, the case is considered on its own merits, regardless of any detainer. If the person receives a parole, it would be to the detainer.

All parolees who have been charged with a violation of their parole are entitled to an interview with the Board for a parole revocation hearing. This interview takes place at Montana State Prison at the next meeting of the Board. The violation report filed by the inmate's parole officer and a report by the hearing officer are given to him prior to his hearing. The inmate must answer to the Board for these charges, and the Board will dispose of the case either by revoking the parole and passing him to a later date or granting a re-parole.

In administering executive clemency requests, the Parole Board generally conducts hearings for persons who have applied for commutation or pardon, and forwards their recommendations to the Governor for his approval or denial.

With respect to hearings, all decisions of the Board must be by majority vote.

The members examine reports submitted by the prison (pre-parole committee), the hearing examiner and the executive secretary, all of which contain recommendations concerning the applicants. The Board may concur with the recommendations or may formulate its own.

In addition to the above reports, the Board considers all possible information about the offender that will help measure his readiness for release. This includes the offender's criminal history, social background, institutional adjustment, and significant changes in attitude, employment potential, circumstances of his offense, previous social history, and such physical and mental examinations as may have been made.

The prisoner is interviewed in person at the parole hearing; however, since the hearing is not a retrial of the case, legal counsel, prosecutors, witnesses, and relatives are not permitted to appear without first securing prior permission.

The Board investigates and reports to the Governor with respect to all cases of executive clemency. A majority of the Board advises, investigates, and approves each such case before the action of the Governor is final. All applications for executive clemency are made to the Board, which causes an investigation to be made of all the circumstances surrounding the crime for which the applicant was convicted, and as to the individual circumstances relating to social conditions of the applicant. If the Board, or a majority thereof, approves such application for executive clemency, it advises the Governor and recommends action to be taken.

Interstate Compact Arrangement

In 1934, Congress authorized agreements or compacts among the states for cooperative effort and mutual assistance in the prevention of crime. Since then, each of the 50 states, plus Washington, D.C., Puerto Rico, and the Virgin Islands, has become signatory to an interstate compact for the supervision of parolees and probationers.

The primary purpose of the Interstate Probation and Parole Compact is to discourage the practice of "sundown probation or parole;" i.e., release conditioned upon leaving the jurisdiction, never to return, and without thought given to supervision. That practice was self-defeating and a denial of the fundamental goal of probation and parole which is to end criminal careers through the rehabilitation of those convicted of crime.

A probationer or parolee under supervision of the Department may qualify for interstate transfer, under supervision if such a person has one or more of the following existing conditions: (a) has residence, (b) has family, or (c) has employment in that state.

Plan for 1977

Problem areas as presented by the Probation and Parole Field Officers to be worked on during 1976 to help this agency meet its principal goals are:

1. Promote a public relations program that will inform the community of the importance of a correctional system, its function, and benefit to the community;

2. Acquire adequate office space, equipment, and clerical help for Probation and Parole Field Services;

3. Develop a program to improve the promotional system for Probation and Parole personnel to include improvement in the fringe benefits (additional contribution to health insurance, etc.);

4. Establish a program to provide a maintenance program for inmates when released from prison on parole; i.e., first 3 months after release be eligible for unemployment compensation;

5. Initiate long-range planning program for Probation and Parole budget to assure it of a budget that will enhance the opportunities of meeting the established goals;

6. Reduce each field officer's caseload to 50 units as recommended by the Manual of Correctional Standards;

7. Develop a program to insure the field officer more involvement in professional organizations (Montana Correctional Association, American Correctional Association, and local civic organizations);

8. To provide uniform transportation for all staff (use of state motor pools through the Highway Commission);

9. Provide a program of Vocational and Educational Orientation to inmates in Montana State Prison to give them a better understanding of vocational and educational opportunities upon release from prison;

10. Reduce the number of forms used by Probation and Parole and improve the efficiency of those which are needed for adequate reporting and servicing of the client, and review current Rules of Parole and Probation for needed changes;

11. Promote pre-service and in-service training for Probation and Parole staff;

12. Provide directories of available community resources for field officers at the local level; and,

13. Provide more alternatives to incarceration; i.e., community centers, halfway houses, Swan River, and secure budget to allow this agency an opportunity to contract services of the local mental health centers.

Table B-51
Counties' Inmates Paroled to
From July 1, 1975 to June 30, 1976

Beaverhead	2	Granite	0	Powell	12
Big Horn	1	Hill	5	Prairie	0
Blaine	1	Jefferson	1	Ravalli	0
Broadwater	1	Judith Basin	0	Richland	0
Carbon	2	Lake	2	Roosevelt	0
Carter	0	Lewis & Clark	15	Rosebud	2
Cascade	25	Liberty	0	Sanders	0
Chouteau	0	Lincoln	2	Sheridan	0
Custer	2	McCone	0	Silver Bow	9
Daniels	0	Madison	0	Stillwater	0
Dawson	0	Meagher	1	Sweetgrass	1
Deer Lodge	20	Mineral	1	Teton	1
Fallon	1	Missoula	25	Toole	0
Fergus	1	Musselshell	2	Treasure	0
Flathead	9	Park	3	Valley	2
Gallatin	8	Petroleum	0	Wheatland	0
Garfield	0	Phillips	0	Wibaux	0
Glacier	0	Pondera	1	Yellowstone	36
Golden Valley	0	Powder River	0		58
	73		58		189
Paroled Out of State					43
		TOTAL			232

Table B-52
Paroles Granted From July 1, 1975, to June 30, 1976

July, 1975	16
August, 1975	26
September, 1975	27
October, 1975	16
November, 1975	18
December, 1975	20
January, 1976	24
February, 1976	17
March, 1976	10
April, 1976	20
May, 1976	20
June, 1976	18
TOTAL	232

Table B-53
Parole and Discharges by Month

	Paroled	Discharged	Prison Population
July 1975	16	2	361
August 1975	26	4	356
September 1975	27	5	346
October 1975	16	4	360
November 1975	18	2	376
December 1975	20	8	377
January 1976	24	9	379
February 1976	17	7	384
March 1976	10	4	404
April 1976	20	2	423
May 1976	20	4	424
June 1976	18	3	435
	232	54	4,625
		Ave.	385.4

Table B-54
Dispositions

	Commutation of Sentence	Pardon	Discharge From Supr.
July 1975	0	2	0
August 1975	0	3	0
September 1975	0	0	0
October 1975	0	0	2
November 1975	0	1	2
December 1975	0	0	2
January 1976	1	0	1
February 1976	0	1	2
March 1976	0	0	1
April 1976	0	3	1
May 1976	0	2	3
June 1976	0	2	2
	1	14	16

Table B-55
Caseload of Field Officers

	Montana		Out-of-State		
	Parole	Prob.	Parole	Prob.	Total
July 1975	358	1,345	48	160	1911
August 1975	365	1,376	55	160	1956
September 1975	360	1,315	56	166	1897
October 1975	363	1,322	55	163	1902
November 1975	370	1,341	57	160	1928
December 1975	380	1,302	56	167	1905
January 1976	381	1,310	55	163	1909
February 1976	381	1,310	55	163	1909
March 1976	381	1,322	54	159	1916
April 1976	380	1,345	52	153	1930
May 1976	431	1,299	55	164	1949
June 1976	402	1,349	52	174	1977
TOTALS	4,552	15,936	650	1,951	23,089
AVERAGES	379.33	1328.0	54.17	162.58	1924.08

Table B-56
Reports Rendered by Field Officers During Fiscal Year

	Field Inv	Pre-Sent Inv	Pre-Release Inv	Prob Inv	Viol Inv	Ex Clem Inv	Total
July 1975	16	48	43	75	69	1	252
Aug 1975	23	37	36	61	78	2	237
Sept 1975	27	62	48	77	57	0	271
Oct 1975	18	63	24	69	79	4	257
Nov 1975	14	59	34	54	72	0	233
Dec 1975	14	54	31	61	89	2	251
Jan 1976	11	60	37	59	87	2	256
Feb 1976	11	60	37	59	87	2	256
Mar 1976	9	53	24	69	73	2	230
Apr 1976	10	60	35	94	77	2	278
May 1976	18	61	44	71	64	3	261
June 1976	15	62	36	86	70	4	273
TOTALS	186	679	429	835	902	24	3055
AVERAGES	15.50	56.58	35.75	69.58	75.17	2.0	254.58

Table B-57
Caseload of Parole Board for Fiscal Year
Ending June 30, 1976

	Parole Hearings	PV Returned to MSP	PV Re-paroled	Public Hearings	Discussion Cases	Total
July 1975	30	6	0	0	3	39
Aug 1975	26	7	0	0	9	42
Sept 1975	24	2	0	1	5	32
Oct 1975	27	2	0	0	7	36
Nov 1975	35	7	0	0	9	51
Dec 1975	24	5	0	0	7	36
Jan 1976	20	6	4	1	8	39
Feb 1976	23	7	0	0	11	41
Mar 1976	33	6	0	2	4	45
Apr 1976	23	4	0	0	9	36
May 1976	36	6	1	0	11	54
June 1976	43	2	2	0	12	59
	344	60	7	4	95	510

Table B-58
Board of Pardons Financial Information

Expenditures	
Personnel Services	$51,169
Operations and Capital	10,599
TOTAL	$61,768
Source of Funding	
General	$61,768
TOTAL	$61,768

Montana State Prison

Figures contained in this section reflect various fiscal years, depending on what information was accessible.

The Montana State Prison, located at Deer Lodge, Powell County, can accommodate an inmate population of 600 male offenders. The maximum-medium unit, in downtown Deer Lodge, is a walled fortress type facility constructed during the period 1869-1879 to serve as a federal territorial prison. In 1874 the care and custody of the prison was transferred to Montana and in 1889 the new state of Montana took over its operation. The medium-minimum unit, which was located at the prison ranch some five miles southwest of the city, was closed upon construction start of the new facility in October, 1974.

Medium-minimum personnel are currently housed in temporary quarters. Twenty ranch type personnel are housed in a 40-man dormitory at the ranch, and 57 crafts type inmates are housed in a 60-man dormitory in downtown Deer Lodge.

Female inmates are processed and classified by the Deer Lodge facility but are housed elsewhere. All female inmates who can be housed at Warm Springs State Hospital are placed there, and those who require more security are housed out of state, preferably at Nebraska's Women's Penitentiary at York, Nebraska. As of June 30, 1975, there were six females incarcerated (two at Warm Springs State Hospital; three at York, Nebraska; one at C.I.W., California)

Table B-59
Monthly Admissions to
Montana State Prison
FY 1976

July	31	January	44
August	32	February	36
September	24	March	46
October	39	April	47
November	45	May	42
December	36	June	40

TOTAL: 461

During FY 75, the average daily inmate population reflected an increase of 27 men per day over the FY 74 figure and an increase of 36 men per day over the FY 73 figure.

Through April, 1977, it is anticipated that the physical plant facilities at the main prison will be the primary housing unit in order that construction for the housing units and the renovation of the other facilities at the new site can be completed as rapidly as possible.

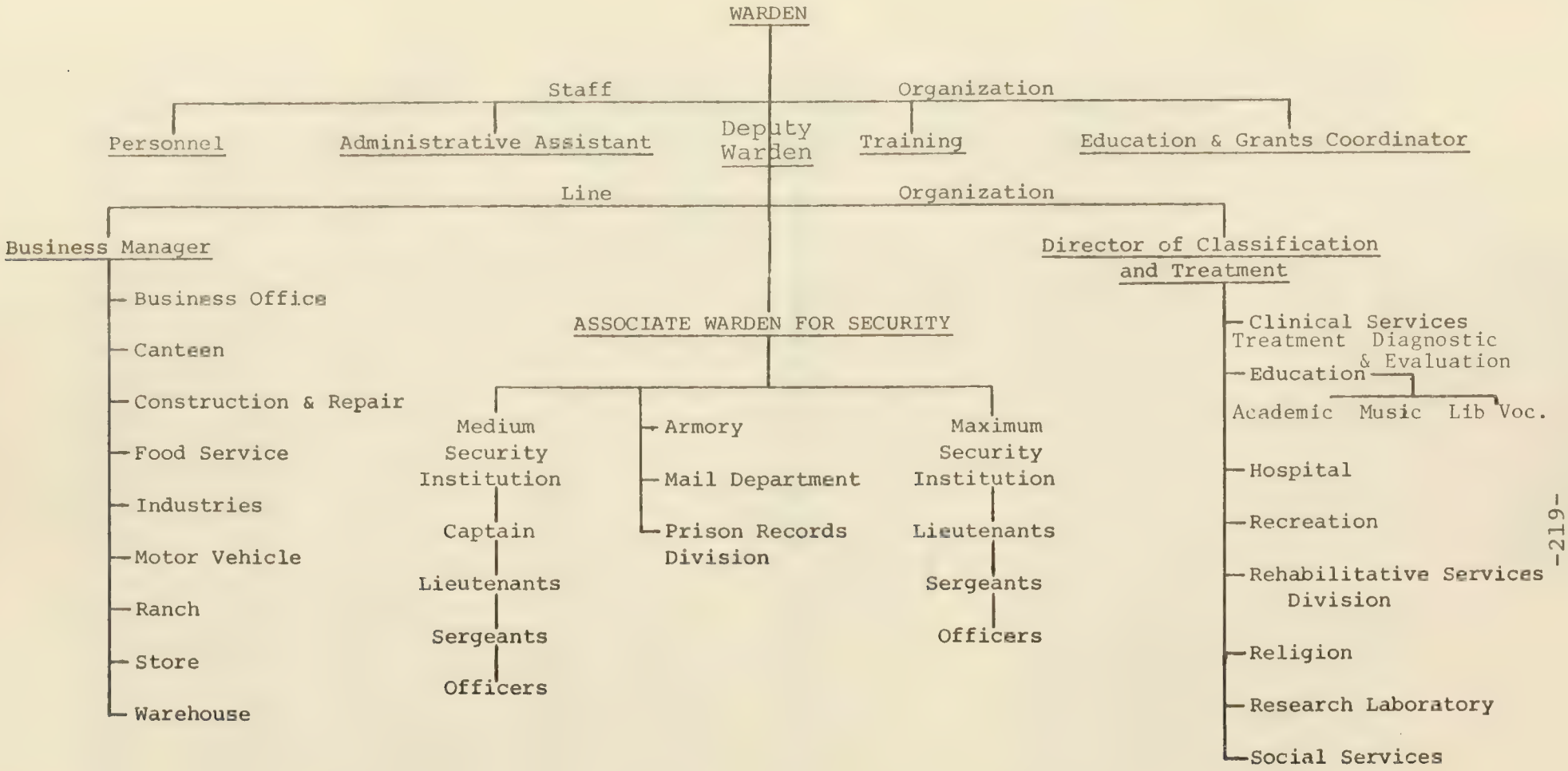


Illustration B-20

Organization of Montana State Prison

The old walled fortress physical plant has a four-tier, eight cell-block unit and one open bay housing unit utilized for medium and minimum security inmates.

Since the theater building was destroyed by a fire in December, 1975, the gymnasium serves as a theater. Other facilities include a school building, a food service building, an infirmary, and an industries and maintenance complex.

The services provided within the complex include religious programs, both vocational and academic educational programs, recreation, and medical, psychological, social,and rehabilitative services. Public and private agencies contribute to the total services program. Illustration B-20 shows the organizational structure of the services provided by major departments.

The 33,000 acre ranch will continue to be an asset to the prison. Current ranch operations include growing hay and grain, maintaining pasture lands, keeping a 200-head dairy herd which is one of the most modern in the state, maintaining a 2200-head beef cattle herd, a swinery, and a slaughter-house. The ranch operation is primarily geared to produce and supply the prison and most state institutions with beef, pork, and meat by-products. Secondarily, the ranch serves as a vocational educational training ground.

Efforts continue to implement programs to train the inmates in such vocations as beef herdsman and feedlot or dairy industry technician. It is felt the ranch provides an ideal setting in which an offender can learn to become a supporting member of society.

Other inmate programs include:

Secondary Education Program

The Secondary Education Program offers complete adult education, encompassing studies from grades one through 12 under the direct supervision of qualified teachers. A self-study program for the GED certificate is also available, allowing inmates to progress on their own or under the supervision of an education counselor. The decline of correspondence course popularity is attributed to the availability of an actual classroom setting.

Table B-60
Secondary Education Programs FY75-FY76

Recapitulation:

Prison Education (combined)
Academic & Vocational $166,370.00

	1975	1976
Cost-Education		
Adult Basic Education Program	$62,621	26,397.95
Performance		
ABE Program		
Inmates' Average Standard Achievement Test Score	*	*
No. enrolled in Academic Classes	148	143
No. GED certificates granted	30	47
No. taking correspondence courses	*	2

*Not Available

Vocational Education Programs

Vocational education programs are also available to the inmate in culinary arts, meat cutting, and auto mechanics. Two new programs, welding and electricity, are scheduled for implementation during FY77. Shops are being constructed at the new site and should be completed by the fall of 1976.

Table B-61
Vocational Education Program FY73 - FY74

Recapitulation:	1973	1974
Cost - Inmate Training		
Manpower Development & Training	145,933.00	0
Inmate Training		135,500.00
MDTA Development & Training		
No. of Vocational Training Courses (open entry-exit type)	3	0
No. enrolled in Vocational Training Courses	101	0
Vocational Training Programs Sponsored by State	(none)	3
No. enrolled in Vocational Training Courses	0	73

Post-Secondary Education Program for the Incarcerated

In January, 1973, the Prison implemented a post-secondary education program for the incarcerated on a pilot basis through financial support of the Crime Control Division and cooperation of the University of Montana. The results for the limited number of courses offered reflected a grade distribution fairly equal to students in a university setting. After exploring this as a possible means of inmate rehabilitation, the administration felt that the program should be maintained at its present funding level.

Through the joint efforts of the Prison, the University, and the Crime Control Division, the program was continued and enlarged. At present, 60 inmates are involved in the college program.

The program was expanded in September, 1975, to include an Associate of Arts Degree. The program is felt to be a success primarily because it meets needs of the young offender and may provide the incentive which may make possible that change in his life that the rehabilitator seeks.

Professional Development Training

The Crime Control Division has funded the Prison's staff training programs to enable staff to have professional officer knowledge of the correctional process and human behavior.

The FY74 program was a result of improvements over the FY73 program. The new employee is required to complete a 40-hour Employee Orientation Course. A Probationary Correctional Officer is required to complete the 56-hour Correctional Officers' Basic Course, which is specifically designed to teach the new officer what his job involves. These two levels of training are state funded and are scheduled to be completed during the officer's probationary period. Experience has shown that the Prison's greatest attrition occurs during the first 18 months of employment and is primarily linked to low salaries.

The Basic Professional Development Training Course is given correctional officers after 12 months of employment. Funded by the Crime Control Division, it consists of 160 hours of intensified, specialized classroom training and practical seminars. The courses are taught by University of Montana professors, local professionals, and in-house specialists. An Advanced Professional Development Training Course consisting of 32 hours of specialized training was developed late in FY74 as an annual requirement for those officers with more than two years of tenure who have successfully completed the other levels of training.

Post-Secondary Education Program for the Correctional Staff

A Law Enforcement Education Program (LEEP) is now in its sixth year for the correctional staff. This program is sponsored by the University of Montana on an extension basis, with the courses given in Deer Lodge at the Powell County High School. Originally, the courses were administered as extension courses with no degree objective in mind and one or two courses were being offered each quarter. In March, 1971, four courses were offered per quarter on a four-quarter basis and scheduling of courses has continued at that rate. In late 1971, the Two-Year Certificate Program for Correctional Officers was instituted. As of June, 1974, nine persons from the correctional staff had received their two-year certificates and five more were eligible. Further program improvements were made during FY74 in that an Associate of Arts Degree for Correctional Officers was approved and was implemented with classes beginning Fall Quarter, 1974.

Class participation is approximately 20 students each quarter with an average total involvement of approximately 50 LEEP students. The courses are open to the public for $21.00 per quarter credit. Each class normally has four to six community people enrolled.

Table B-62
Statistics on New Receives During Fiscal Year 1975-1976

Ages:		Sex	
17 and under;	0	Male:	289
18-20:	109	Female:	10
21-25:	80		
26-30	58	TOTAL:	299
31-35	22		
36-40	12		
41-45	7		
46-50	6		
51-55	1		
56-60	4		
60 & over	0		
TOTAL	299		

CRIMES:

Crimes Against Persons:

Robbery	32
Assault	25
Deliberate Homicide	13
Sexual Intercourse without Consent	8
Negligent Homicide	4
Kidnaping	3
Deviant Sexual Conduct	2
Intimidation	1
TOTAL	88

Crimes Against Property:

Burglary	90
Theft	55
Forgery	16
Issuing Bad Checks	15
Criminal Mischief	5
Conspiracy	2
Obtaining Money By Fal. Pret.	2
Receiving Stolen Prop.	1
Arson	1
TOTAL	187

Miscellaneous Crimes:

Obstructing Justice	2
Possession of Dang. Drugs	8
Sale of Dangerous Drugs	11
Carrying Concealed Weapon	2
DWI, Fourth Conviction	1
TOTAL	24

TOTAL 299

Table B-63
Admissions by Race and Sex

	FY1974	FY1975
White	187	225
Indian	20	21
Indian/White	38	20
Indian/Negro	1	0
Negro	4	5
Mexican	4	8
Mexican/White	1	0
Spanish	1	1
Spanish/White	2	0
Total	258*	281*
Male	247	275
Female	11	6
Total	258*	281*

* New Receipts Only

Admissions to Prison by Age

	FY1974	FY1975
Age		
17 & under	1	2
18-20	59	87
21-25	86	87
26-30	38	43
31-35	18	27
36-40	13	11
41-45	14	10
46-50	12	4
51-55	9	3
56-60	7	4
60 & over	1	3
Total	258*	281*

* New Receipts Only

(New Receipts Only are defined as those inmates who received regular, violated suspended, or deferred sentences.)

Table B-64
Releases from Montana State Prison

	1975				1976			
	Total	Paroled	Discharged	Other	Total	Paroled	Discharged	Other
July	38	23	7	8	34	16	2	16
Aug	27	19	4	4	37	26	6	5
Sept	32	21	5	6	34	27	5	2
Oct	25	14	5	6	25	16	5	4
Nov	17	11	4	2	29	18	2	9
Dec	24	19	3	2	35	21	8	6
Jan	30	17	6	7	42	24	9	9
Feb	18	10	2	6	31	17	7	7
Mar	42	27	6	9	26	10	4	12
Apr	42	23	7	12	28	20	2	6
May	30	19	5	6	41	20	4	17
June	43	29	5	9	29	18	3	8
TOTAL	369	232	59	77	391	233	57	101

Table B-65
Releases From Montana State Prison by Type

	FY 74			FY 75		
	Male	Female	Total	Male	Female	Total
Parole Regular	199	8	207	211	7	218
Parole in Custody	11	1	12	13	1	14
Discharged Regular	24	0	24	19	0	19
Discharged with Balance Suspended	32	1	33	32	0	32
Deceased	2	0	2	9	0	9
Escaped	15	0	15	13	1	14
Transferred to Warm Springs	18	8	26	15	7	22
Transferred to Swan River	12	0	12	22	0	22
Released on Bond	1	0	1	0	0	0
Released by Court Order	5	0	5	5	0	5
Released for Interstate Transfer	4	0	4	5	0	5
Transferred to Pine Hills	1	0	1	0	0	0
Safekeeping Release	1	0	1	0	0	0
Discharge & Remains	1	0	1	1	0	1
Transferred to Galen	2	0	2	4	1	5
Discharge in Custody	0	0	0	2	0	2

Table B-66
Releases From Montana State Prison By Type (continued)

	FY 76		
	Male	Female	Total
Parole regular	217	8	225
Parole in custody	8	0	8
Discharge-Balance suspended	33	1	34
Discharge by Court Order	6	1	7
Escaped	22	0	22
Transfer to Swan River	54	0	54
Transfer to Pine Hills	1	0	1
Transfer to Warm Springs	14	0	14
Discharge Regular	16	0	16
Released for Interstate Transfer	4	0	4
Transferred to Galen	0	1	1
Diagnostic & Evaluation Releases	5	0	5
TOTAL	380	11	391

Table B-67
Employee and Inmate Cost Summary
FY 1974-1975

	FY 1974	FY 1975
Cost - Administration	$170,599.00	$196,361.00
Performance		
Employees		
Count	220	244
Hired	135	89
Terminated	111	72
Year End Count	244	261
Inmates		
Annual per Capita Costs	8,445.91*	9,295.10*
Daily per Capita Costs	23.14	25.47

*Does not include Ranch or Tag Plant

Table B-68
Caseload Summary
FY 1975-1976

	FY 1975		FY 1976	
Cost - Care & Custody	$1,852,124.00		*	
Performance	126,552.80		*	
Total Inmate Days	346.72		*	
Average Daily County				
Receipts	Male	Female	Male	Female
Received Regular	275	6	289	10
Returned Parole Violators	51	0	60	0
Violated Suspended Sentence	*	*	*	*
Violated Deferred Sentence	*	*	*	*
Returned From Warm Springs	10	7	16	0
Returned From Swan River	7	0	36	0
Returned From Galen	3	1	0	1
Returned Probation Violators	6	0	8	0
Returned By Court Order	3	0	3	0
Returned From Escape	12	1	23	0
Recd under Interstate Compact	14	0	6	0
Received for Safe Keeping	1	0	0	0
TOTALS	382	15		
Returned from Pine Hills			1	0
Diagnostic & Evaluation Receipts			9	0
		TOTALS	451	11

Table B-69
Program Cost Summary
Montana State Prison Budget
FY 1974-1975

	FY 1974	FY 1975
Administration	$ 170,599	$ 196,361
Care & Custody	1,546,682	1,852,124
General Services	734,552	920,851
Education	54,818	62,681
Ranch	794,739	723,836
Bureau of Identification	27,899	32,241
Manpower Development & Training	31,289	-0-*
Plate Manufacturing	595,361	43,154
Inmate Training	135,500	158,538
TOTAL PROGRAMS	$4,091,439	$3,989,786
Personal Services	$2,246,073	$2,599,002
Operating Expenses	1,789,194	1,236,992
Equipment & Livestock	47,172	153,792
LEAA Grants	-0-	-0-**
TOTAL BY CATEGORY	$4,091,439	$3,989,786
General Fund	$1,661,503	$2,568,636
Earmarked Revenue Fund	610,795	43,154
Federal & Private Revenue	1,819,141	262,379
Manpower Development & Training	-0-	-0-
Federal Revenue Sharing	-0-	1,115,817
TOTAL FUNDING	$4,091,439	$3,989,786

*Included in Care & Custody
**Included in Above Categories

Table B-70
Manpower
Staff-Inmate Ratios FY 1975

Category	Ratio
Correctional Staff	1:2.62
Treatment	1:49.53
Medical	1:57.79
Teachers	1:28.30
Support	1:4.52
Overall(234.25:346.72)	1:1.48

Correctional Systems

City-County Jails

Montana's local community jails are independent of any statewide authority. Each community having a jail facility is required to construct, operate, and maintain the facility and auxiliary programs utilizing local administration.

Montana law states: "There must be built or provided and kept in good repair in each county, one common jail, at the expense of the county, at the county seat."

To determine the condition of local jails, a survey was conducted between February, 1973, and March, 1974, on the physical condition of 56 county or consolidated jails, 40 city or county-branch jails, and five Indian tribal jails.

A subsequent mini-survey of county jail facilities was conducted by field representatives of the SPA, in mid-1976.

The survey found most jails in fair to poor condition (generally, however, tribal jails are newer and better equipped than most city and county jails) although the condition of all jails varies considerably.

There is a continuing trend in Montana for consolidation of jail facilities. The 1976 survey shows there are 42 county seats with consolidated jail facilities. Twelve maintain a separate facility from the city.

Due to poor conditions, one county jail was closed and another condemned.

Six communities are either in the planning or construction stages of new jail facilities.

Jail Facilities

Age of the Jail Facilities

Year of Construction	County**	City*
Before 1900	9 (16%)	3 (8%)
1900 through 1919	21 (38%)	8 (20%)
1920 through 1939	10 (18%)	6 (15%)
1940 through 1959	2 (3%)	7 (17%)
1960 through 1976	14 (25%)	10 (25%)
Year Unknown		6 (15%)

* 1973-74 Survey
**1976 Survey

Ten of the county and three of the city jail facilities are new since 1971. Six more counties have indicated that new jail facilities are in the planning stage.

Capacity of the Jails

Total bed capacity of the county jails was found to be 1,121; city jails 310.

Bed Capacity	County Jails**	City Jails*
Fewer than 10 beds	15 (25%)	29 (72%)
10 - 24 beds	27 (49%)	8 (20%)
25 - 39 beds	6 (11%)	3 (8%)
40 or more beds	7 (12%)	--

A total of 348 prisoners were incarcerated in county jails on the dates of the survey visit. There were 35 present in the city jails visited.*

Admission Procedures and Recordkeeping*

Five county jails and 24 city jails are operated only as short-term lockup facilities; prisoners are not held for longer than 48 hours, and admission procedures are minimal. The remaining jails will hold prisoners for longer periods of time.

Admission Procedures for Long-Term Prisoners Include*

	County	City
Recording of health information	12 (21%)	--
Prisoner weigh-in	5 (9%)	--
Mandatory shower	26 (46%)	5 (12%)
Issue of jail clothing	26 (46%)	1 (3%)
Issue of sheets or mattress cover	19 (34%)	7 (17%)
Issue of a mattress	all	all
Issue of blankets	all	all

Physical and Mechanical Aspects*

Heating	County	City
Adequate	40 (71%)	27 (68%)
Poor	13 (23%)	7 (17%)
Ventilation		
Good	11 (20%)	15 (38%)
Fair	21 (37%)	5 (12%)
Poor	24 (43%)	14 (35%)

* 1973-74 Survey
**1976 Survey

Lighting	County	City
Good(20 ft.-candles)	9 (16%)	8 (20%)
Fair(10-20 ft.-candles)	30 (54%)	16 (40%)
Poor(10 ft.-candles)	17 (30%)	10 (25%)

Electrical Hazards

Thirty-six county jails and 15 city jails have unprotected light fixtures in detention areas, or other hazardous electrical wiring conditions.

Floor space - Twenty-three county and eight city jails do not meet the requirements of 50 square feet of floor space for each potential occupant. Some have four bunks in cells with as little as 60 square feet of floor area.

Fire Safety*

Detention facilities by their nature present a special fire danger. Jails for the most part are of non-combustible construction, but bedding and other combustible contents are a hazard. Nine of the jails reported the occurrence of jail fires in recent years, and one fire resulted in a death.

Only eight (14%) county jails and eight (20%) city jails had no noted deficiencies in fire safety provisions.

Toilet and Bathing Facilities*

All the jails have toilet facilities for inmates, and most have lavatory and bathing facilities. In many of the older jails, plumbing fixtures are deteriorated and in poor repair.

Bathing Facilities	County	City
Showers, or shower & tubs	45 (80%)	18 (45%)
Bathtubs only	7 (13%)	--
No bathing facilities	4 (7%)	20 (50%)
Facilities in insufficient numbers	13 (23%)	--
Facilities in poor condition	26 (46%)	6 (15%)
Toilet Facilities		
Inadequate number	6 (11%)	5 (12%)
Fixtures in poor condition	19 (34%)	6 (15%)

*1973-4 Survey

Lavatories	County	City
Inadequate number	3 (5%)	6 (15%)
No lavatories provided	--	3 (8%)
Fixtures in poor condition	11 (20%)	5 (12%)
Only cold water supplied	19 (34%)	16 (40%)

Jail Food Service*

Prisoner meals are obtained in various ways. Some jails have a kitchen, some obtain meals from a licensed restaurant or caterer, and in others food is prepared in a home kitchen (e.g., by sheriff's or deputy's wife) and brought to the jail. Only eight of the jails maintain records of the daily menus.

Food Preparation	County	City
Kitchen located in the jail	23 (41%)	5 (13%)
Hired cook, or staff members cook	17 (30%)	4 (10%)
Prisoners Cook (unsupervised)	6 (11%)	1 (3%)
Food prepared in an unlicensed "home" kitchen	18 (32%)	--
Meals from a licensed outside establishment	15 (27%)	27 (67%)
No food service provided	--	8 (20%)

Feeding Schedule		
Three meals served	15 (27%)	7 (17%)
Two meals served	29 (52%)	19 (48%)

Dining Facilities

Most often prisoners are fed in their cells. Eleven county jails and one city jail have dayroom or bullpen areas with tables and benches, or a table in the kitchen area. None has a separate dining room.

Housekeeping and Maintenance*

Many of the jails rely in whole or in part on the inmates to clean the detention areas. Varying degrees of staff supervision and inspection are employed. In some cases trusty prisoners also do minor maintenance or painting chores, but as a rule inmate duties are limited to general housekeeping. Proper cleanliness and sanitation are hampered in many of the jails by poor design and by general deterioration of the building interior.

*1973-4 Survey

Cleaning and Housekeeping Duties	County	City
Chiefly by prisoners	35 (62%)	13 (32%)
Chiefly by staff personnel	7 (13%)	9 (23%)
Building janitor	14 (25%)	3 (8%)
Cleaning observed to be inadequate	27 (48%)	12 (30%)
Jail not easily cleanable	22 (39%)	7 (17%)

Laundry*

Many of the small jails and lockups have only blankets to launder. Others regularly launder blankets, sheets, towels, and jail clothing. In most cases the laundry is sent to a commercial establishment.

Laundry Facilities	County	City
Laundry facilities provided in the jail	11 (20%)	1 (3%)
Prisoners wash clothing in their cells	6 (11%)	1 (3%)
Laundry done outside the jail	26 (64%)	24 (60%)

Medical Coverage for Inmates*

None of the jails has a full-time jail physician. In one county the full-time health officer provides medical coverage for the jail part-time, and the remaining jails obtain medical care in the following ways:

	County	City
Physician "on-call"	37 (66%)	17 (42%)
Available physician at a local hospital or clinic	10 (18%)	9 (23%)
County nurse "on-call"	3 (5%)	2 (5%)
No medical care available locally	5 (9%)	12 (30%)

Separation of Prisoners

Juveniles

Forty-seven county jails segregate juveniles from adults, three do not, and five do not hold juveniles.

Ten city jails segregate juveniles and nine do not hold juveniles.

*1973-4 Survey

Twenty-nine county and two city jails reported foster home care is available for the detention of juveniles.

Twenty-two county and four city jails reported that juveniles are allowed to attend school while in jail. Others surveyed stated that this problem was not applicable to them.

Dependent and/or neglected children are kept in 12 county jails and in three city jails. Other city facilities surveyed noted that this problem was not applicable.

The juvenile court uses the jail as a deterrent to delinquency by placing juveniles in jail over the weekend in 33 county jails and eight city jails surveyed.

Adults

Felons are kept separate from misdemeanants in 18 county jails and in four city jails. In 37 county jails, they are not kept separate.

Five of the county jails surveyed and two of the city jails keep sentenced prisoners separate from those awaiting trial or disposition. This was not applicable to the remaining jails.

Sentenced drunks are kept separate from other prisoners in 19 county jails and in nine city jails. Two of the jails do not separate them. The remaining jails have only an overnight detention facility.

Persons Experiencing Alcohol Withdrawal or Drug Intoxication

Since drunkenness is no longer a criminal act, law enforcement personnel must take persons who are inebriated or experiencing alcohol withdrawal to a medical facility, assuming there is no criminal offense involved. Medical facilities may refuse to accept these persons, and in that case they are returned to the jails.

Persons experiencing drug intoxication or withdrawal are usually taken to medical facilities, but if this is not possible, a physician is brought in.

All jails will hold prisoners for other cities and counties. In 46 counties, federal prisoners are held in the county jail. Ten city jails keep federal prisoners overnight only.

The counties reported a total of 298 sworn law enforcement personnel and 125 non-law enforcement personnel.

Thirteen cities reported a total of 326 officers and 79 other personnel, mostly clerical. The law enforcement personnel of both counties and cities all share the duties of jailer. Very few of the jails surveyed had designated certain persons as full-time jailers.

When female prisoners were held, the matron in many cases was the sheriff's or deputy's wife.

Periodic shakedown of the cells and cell block area is a common practice and efforts are made to do this inspection at irregular times to avoid establishing a pattern the inmates recognize.

Most jails have a double door locking system which provides additional security. When it is necessary to enter the cell block area for feeding or admitting another person, the general practice is to utilize two officers whenever practicable.

Although statewide figures are in some cases approximate, the 1973-74 jail survey shows that between July 1, 1973, and June 30, 1974, some 10,271 persons were incarcerated in city and county jails for an average stay of 15 days.

Swan River Youth Forest Camp

In 1967, legislation created the Swan River Youth Forest Camp, established as a cooperative effort between the Department of Institutions and the State Forester. Since then, the Division of Vocational Rehabilitation has also become involved in the rehabilitation program. The institution is charged with the care, custody, and rehabilitation of boys aged 16 to 25 who have been transferred from Pine Hills School or the Montana State Prison. Legislation passed in 1975 prohibits courts from making direct commitments to the Camp.

The institution, which has a rated capacity of 50, maintains an average daily population of 40. The median length of stay is 4.9 months. Many of the young inmates transferred from the prison remain in residence for only one or two months.

The annual per capita cost is $6,204 or $15.57 daily per capita. The total fiscal budget for the camp is $253,000, which includes $58,000 of federal funds (Division of Vocational Rehabilitation and ESEA Title I). Full-time employees number 21 with a resident full-time employee ratio of 1.95 to 1.

Federal funds established a special educational program which includes a teacher and an assistant. The three areas of emphasis are remedial work, special needs, and preparation for the graduate equivalency examination (GED). This program increases the probability of residents' success upon release. Fifty-nine boys participated in the program in 1973.

Vocational programs are among the core concerns of the camp. Teaching good work habits is considered more important than teaching a trade, although residents are given experiences with as many different types of work as possible in the isolated environment. The residents work with the State Forestry Department in all areas of timber management except marketing. Other activities are: fire prevention, suppression, and control; first aid; search and rescue; and limited equipment operation and maintenance. Camp residents develop and maintain public campgrounds in the surrounding recreational areas and improve and maintain Forest Service roads and bridges. The residents' work completed for the Forest Service last year was valued at more than $75,000.

Job evaluation and assessment are obtained from the vocational rehabilitation counselor on a limited basis. Plans are being made for a more in-depth and complete evaluation and assessment. The vocational rehabilitation counselor also assists with

training and employment placement upon release of the resident. Also involved in the program are eight other counselors with an average caseload of six residents. The Mental Health Clinic in Ronan accepts referrals in order to provide complete diagnostic services and in-depth professional counseling.

The camp boasts a recidivism rate of 12% for the first five years of operation and a recent study shows that 80% of the releases are "making it" on their first release.

An in-service staff training program is taught by instructors from the University of Montana, and is available to all the employees of the institution.

Both program and camp setting present opportunities for personal involvement, self-work, and increasing self-respect of the young man. This provides for the return to society of a well-adjusted, healthy person who can make correct decisions and positive contributions.

Table B-71
Swan River Youth Camp

Physical Capacity:

Educational Capacity - 50
Dormitory Capacity - 50 - Biennium - 35 limit
Food Service Capability - 50

Staff: 19

Program	Full-Time Equivalent
Administration	4.00
Care and Custody	12.00
General Services & Physical Plant	4.00
Education & Training	1.00
TOTAL	21.00

Average Enrollment - 40
Average Length of Stay - 4.9 months
Student/employee ratio - 1.95:1
Cost per student day -$15.57
Cost per student year - $6,204

Total Operating Plan and Average Population
Summary

	Total Cost	Average Population
FY 1970	235,975	30
FY 1971	203,109	26
FY 1972	258,027	25
FY 1973	224,748	41
FY 1974	253,000	40

Table B-71 (Continued)

Follow-up from start of project through April, 1973:

Fiscal Year	Gainfully Employed, Closure	No. Referred
1969	0	69
1970	6	33
1971	14	34
1972	26	38
1973	40 est.	70 est.

Closed as gainfully employed through fiscal year 1972 - 46 clients

Attempted follow-up.....46
Successful personal adjustment.....31
Employed same job.....10
Employed other appropriate job.....15
College on G.I. Bill..... 1
Training under B.I.A. 1

Returned to institution:
Montana State Prison..... 1
Montana State Hospital..... 1
Deceased..... 1
Unemployed..... 4
Whereabouts unknown.....11

Unsuccessful case closures - 2
1 deceased, hit and run accident
1 in prison in California

Mountain View School for Girls

The Mountain View School for Girls was established in Helena in 1919 as an extension of the Boys and Girls Industrial School at Miles City.

The school is charged with the care, education, and rehabilitation of girls between the ages of 10 and 21 who are committed to the institution by the juvenile courts as adjudicated juvenile delinquents.

Mountain View School is within the Department of Institutions. The institution has a rated capacity of 75, and an average daily population the last four years of 69, 65, 59, and 66. The school had 74 new commitments during FY 74-75. The average length of stay was 8.6 months compared to 9.1 months in the preceding year.

The annual cost of keeping a girl at Mountain View is $7,157.65, or $19.61 per day. The current employee-student radio is 1.07 to 1.

Table B-72
Mountain View School

Physical capacity:

Educational	- 75
Dormitory	- 80
Food Service	- 90

Staff: 60

Program	Full-Time Equivalent
Administration	5.0
Care & Custody	34
General Services & Physical Plant	12.0
Education & Training	12.86
Total	64.86

Commitment Cases

Average enrollment - 96
Average length of stay - 8.6 months
Student/employee ratio - 1.07:1
Cost per student day - $19.61
Cost per student year - $7,157.65

The Social Services Department consists of a director, two caseworkers, a psychologist, and a secretary. Individualized treatment and counseling programs are emphasized. The function

of the department has been expanded with the increased use of the pre-adjudication evaluation. Recent legislation permits juvenile courts to send a girl to Mountain View for evaluation before making a final disposition. Twenty-two such cases were processed in 1975 and present indicators forecast a more extensive use of this service in the future.

Involvement in the community is a major part of the rehabilitation process of Mountain View. In 1975, all the girls participated in an off-campus program involving some 1,900 student trips to town during the year. The girls have also worked as teachers' aides and nursery school aides, and nurses' aides at St. Peter's Hospital, the Masonic Home, and Western Care Nursing Home. Two girls attended Carroll College as part-time special students; others attended Helena Vo-Tech.

Individual treatment of the residents is maintained throughout the rehabilitation program whenever possible. This includes counseling, education, and discipline procedures. The emphasis of the entire treatment and rehabilitation program is on the improvement of the girls' self-images and on the development of self-control.

The Group Life Department consists of a director and 21 cottage parents serving in three cottages.

To allow the old administration building to be used exclusively for the school program, a long-vacant cottage building was remodeled, eliminating the necessity of constructing a new school building.

The Education Department consists of a director, eight full-time teachers, and two part-time teachers. The use of student teachers from Carroll College has been very helpful in providing individualized instruction. The increase in staff has allowed the curriculum to expand to over 40 courses, including Black studies, Indian studies, drug abuse education, ceramics, and the principles of parenthood.

Table B-73
Mountain View School
Total Operating Cost & Average Population Summary

	Total Appropriation	Average Population
FY 1970	$ 425,606	64
FY 1971	474,162	69
FY 1972	512,905	65
FY 1973	556,933	60

Pine Hills School for Boys

Pine Hills School for Boys was established by the Legislature in 1893. It is located near Miles City on 360 acres of land. Pine Hills School is charged with the care, education, and rehabilitation of boys between the ages of 10 and 21 who are adjudicated delinquent.

The institution has a rated capacity of 150 and an average daily population in the years 1972-1975 of 120, 117, 127, and 126. In fiscal year 1974-75 there were 122 new commitments. The annual per capita cost for keeping a boy at Pine Hills School is $7,274, which is a daily rate of $19.93. The ratio of average daily population to full-time employees is 1.31:1.

Table B-74
Pine Hills School

Physical Capacity:

Educational Capacity - in excess of 250
Dormitory Capacity - 150
Food Service Capability - in excess of 250
Heating Plant Capability - sufficient for 2 more cottages

Staff: 107

Program	Full-time Equivalent
Administration	8.0
Care & Custody	40.5
General Services & Physical Plant	22.5
Education & Training	22.0
Farm	4.0
Clinical Services	12.0
TOTAL	109.0

Average Enrollment (FY 1975) - 122.6
Average Length of Stay - 8.07 months
Student/employee ratio - 1.31/1
Student/teacher ratio - 6:54/1
Cost per student per day (FY 1973) - $19.41
Cost per student per year - $7,084.65

Table B-75
Pine Hills School
Budget: FY1972

Program	Total Operational Plan	General Fund	PHS Fed. & Private Revenue Fund
Administration	94,874	94,874	
Care & Custody	307,227	282,227	25,000
General Services & Physical Plant	303,878	293,390	488
Education & Training	286,027	219,901	66,126
Farm	47,011	47,011	
Clinical Services	144,382	125,468	18,914
Total	1,183,399	1,062,871	110,528

Total Operating Cost & Average Population
Summary

	Total Cost	Average Population
FY 1970	1,005,985	116 - 69-70
FY 1971	1,122,683	120 - 70-71
FY 1972	1,197,573	117 - 71-72
FY 1973	1,215,873	129 - July 72 thru Apr 73
FY 1974	1,343,947	122 - 74-75

The Clinical Services Department consists of a director, assistant director, five caseworkers, two psychologists, part-time psychiatrist, vocational rehabilitation counselor, and two full-time nurses. All boys receive individual or group counseling. Due to the make-up of the professional staff within this department, all diagnostic evaluations are obtained on campus.

A family counseling program has been greatly expanded and the institution is now providing transportation for on-campus family counseling to indigent family members, greatly enhancing the probability of residents' success to send male offenders over the age of 16 to Pine Hills for diagnostic evaluation.

In FY 72-73, 61 evaluations were completed at the school, more than double the number done the previous year.

The Group Life Department consists of a cirector, assistant director, and 31 full-time complied counselors. The director of clinical services is also the director of group life. There are seven lodges on campus, four of which have houseparents. The security and discipline lodges have three full-time men each and a full-time counselor who provides individual treatment for the residents of these two lodges. There are also nine full-time night supervisors who replace the houseparents.

One cottage has recently been transformed into a minimum security lodge in order to give each boy maximum privacy. Special privileges are afforded the boys in this cottage.

The Education Department consists of a director, an assistant director, and 18 full-time teachers. Another full-time position is federally funded. In recent years, a physical education building and the vocational training building have been built to supplement the school buildings. The school has been fully accredited since 1968.

An individualized program is planned for each resident including six hours of classroom study per day.

Most delinquent boys arriving at Pine Hills are school dropouts, unmotivated for further education and one to three years' educationally retarded. The objective is to stimulate the students' desire to seek additional knowledge.

The teachers must aid these students in obtaining one to three years of educational skills in a short period, so the students will not fail in the public education system when released. About 75% of the boys in the institution are three or more grade levels below average in reading skills. A special program has been implemented at the school to assist those boys.

A 3,000-acre farm is operated by Pine Hills School. The farm provides the institution with meat, milk, and most vegetables. This operation not only reduces the cost of institutionalization but also provides work experience for the residents, few of whom have developed work skills. Work experiences include care and use of farm equipment, meat processing and beef production, knowledge of planting and crop production, and dairy management.

The average length of stay for boys is 8.07 months. This is down .79 months from the previous year. The recidivism rate at Pine Hills is 10.1%.

The school operates a host of off-campus activities including attending movies in Miles City, bowling, swimming, basketball, football, tennis, and dances.

Pine Hills School attempts to rehabilitate each resident by changing his faulty and negative attitude and helping him gain self-confidence. The overall philosophy is that each staff member is a therapist playing a significant role in modifying behavior.

Bureau of Aftercare

The Bureau of Aftercare is charged with the supervision of individuals who have been released from Mountain View School, Pine Hills School, and Swan River Youth Forest Camp.

In 1975, the Bureau consisted of a bureau chief, program director, training coordinator, data processing clerk, two accounting clerks, 16 counselors, and three secretaries. The average caseload per counselor in FY 1974 was 44. The Bureau had 935 youths within the program during FY 73-74.

Table B-76
Bureau of Aftercare

Staff: 19

Program	Full-Time Equivalent
Administration	3
Clerical	6
Counselors	16
TOTAL	25

No. of Clients (start FY 1972) - 522
(end FY 1972) - 660
(end FY 1973) - 502
(end FY 1974) - 535

Averate No. of Clients per counselor - 44
Cost per client per day - $.40 (1972)
Cost per client per year - $146.00 (1972)

Budget: FY 1974

Personnel Services	$159,956
Operation	180,663
Equipment & Livestock Benefits	10,476
Assistance, Grants & Benefits	121,000
TOTAL PROGRAM	$471,621

	TOTAL COST	NO. OF CLIENTS (June each year)
FY 1971	214,642	625
FY 1972	272,821	707
FY 1973	353,215	846
FY 1974	471,621	1037

The Bureau's budget in FY 74 was $471,621, which included administrative costs, salaries, travel, supplies and individual living, and foster care payments.

Due to the inadequacies of the home environments of many adjudicated delinquents, the Bureau uses foster home and group placements as resources. The Bureau currently operates four group homes which it administers and of which it is the sole source of funding. Placements are limited to youths who are wards of the state. The Bureau funds (75%) 10 district youth guidance homes, which are operated by non-profit community organizations and administered by the Bureau. Youths who need supervision or are juvenile delinquents are placed here. However, since these facilities have the option of rejecting placements, the afore-mentioned group homes serve as back-up facilities for placement of youths not accepted by the district youth guidance homes.

Table B-77
District Youth Guidance Homes
Examples of Costs

Location	Capacity	#of Boys In Program to 3/30/73	#of Days to 3/30/73	Cost Per Day Per Child
Missoula	10(boys only)	17	1747	$11.22
Polson	10	13	1296	9.98
Great Falls	10	14	2143	10.76
Shelby	8-10	14	1279	13.36
Helena	8(accepts girls only)			

Average Total Occupancy - 58
Average Occupancy - 8
Average Daily Cost Per Child - $11.33

Expenditures To March 30, 1973

	Shelby	Great Falls	Missoula	Polson
Personnel	5518.41	8235.09	11534.07	11179.68
Travel	212.05	674.79	540.72	450.00
Equipment	1475.11	6688.55	6410.40	3186.21
Supplies & Other	9884.26	14155 66	12471.41	8762.40
Total	$17,089.83	$29,734.09	$30,956.60	$23,578.29

Total to March 30, 1973 - $70,898.32(1)

The foster home program served over 11,000 child care days last year with a median length of stay of 212 days, or seven months. The daily per capita cost was $3.61. The group home program cost $11.81 per child care day.

Table B-78
Foster Home Program

Amount - $40,112.23
Average Length of Stay - 7 months
Daily per capita cost - $3.61
Number of homes - 60 (statewide - 1 child per home)

Foster care homes are private homes licensed and funded by the Bureau of Aftercare for providing adequate care to juveniles released from institutions.

One privately owned group foster care home is operating in Butte. It has a rated capacity of 10 boys.

Juveniles released to Bureau of Aftercare are placed in various types of programs. Training programs, on-the-job training, and work placements have always been of major importance. College placements have increased in importance as a major part of Aftercare's resources. The legislature has provided 16 possible placements within the state university system for these youths. Over 50% of the youths entering this program over the last four years are either still attending or have graduated.

Table B-79
Aftercare Caseload 1973-74

Referral Source:	MVS	PHS	SRYFC
Youth in Program 6/73	89	127	31
New Cases	60	91	21
Reinstated	29	34	30
Total Received	89	125	51
Revoked	15	41	13
Discharged	34	53	32
Replaced	8	14	5
Total Released	60	108	50
Youth in Program 7/74	118	144	32
Return Ratio	8.4	16.3	15.9

Indian Criminal Justice Systems

Montana has within its boundaries seven Indian reservations of 10 tribes, covering 13,042.8 square miles or 8.8% of its total area, and including 36,443 Indians or 5.2% of the state population. The 1970 census is the most recent source of figures for Indian reservations, and while an up-to-date total state population is available (748,000) the percentage of Indians and populations of reservations are based on 1970 figures because the up-to-date Indian figures are not available.

Illustration B-21 shows reservation locations. Tribal enrollees migrate to and from these reservations and many maintain their status while not actually living on the reservations. Montana's Indian population ranks sixth among the states.

All of the tribes have experienced rather spectacular population increases in recent years. As a result of an annual growth rate of about 1.5%, nearly 606 of Montana's Indians are 25 years of age or under, with the median age estimated to be 22.5 years.

Data gathered from within the reservations reveals serious problems involving a large percentage of Indian youth. The reservations do not have access to facilities which would meet their needs. Reservation juvenile courts, foster and protective care programs, and shelter facilities are non-existent or not adequate to meet the needs of the countless abandoned and dependent children. The fact that the Indian population is rising sharply and becoming younger undoubtedly will compound the seriousness of the situation. Drugs and alcohol, and drug- and alcohol-related criminal offenses are extremely serious matters on the reservations.

While Indians constitute 5.2% of the total state population, as mentioned, Indian inmates in the Montana State Prison account for 25% of the total prison population. See Tables B-80 and B-81.

Each of the seven reservations has a governing body legally constituted as a unit of local government. Though similar in nature, each has elements that contrast it with the other six concerning membership rules for enrollee status, procedures for doing business, and overall mechanics of handling their individual judicial prevention and enforcement services. For purposes of criminal justice planning and grant assistance, each is classified as a unit of local government and as such is eligible to apply for funds under the original Omnibus Crime Control and Safe Streets Act of 1968 and as subsequently amended. These funds provide an ever-greater impact upon improving the criminal justice system in response to problems faced by American indians.

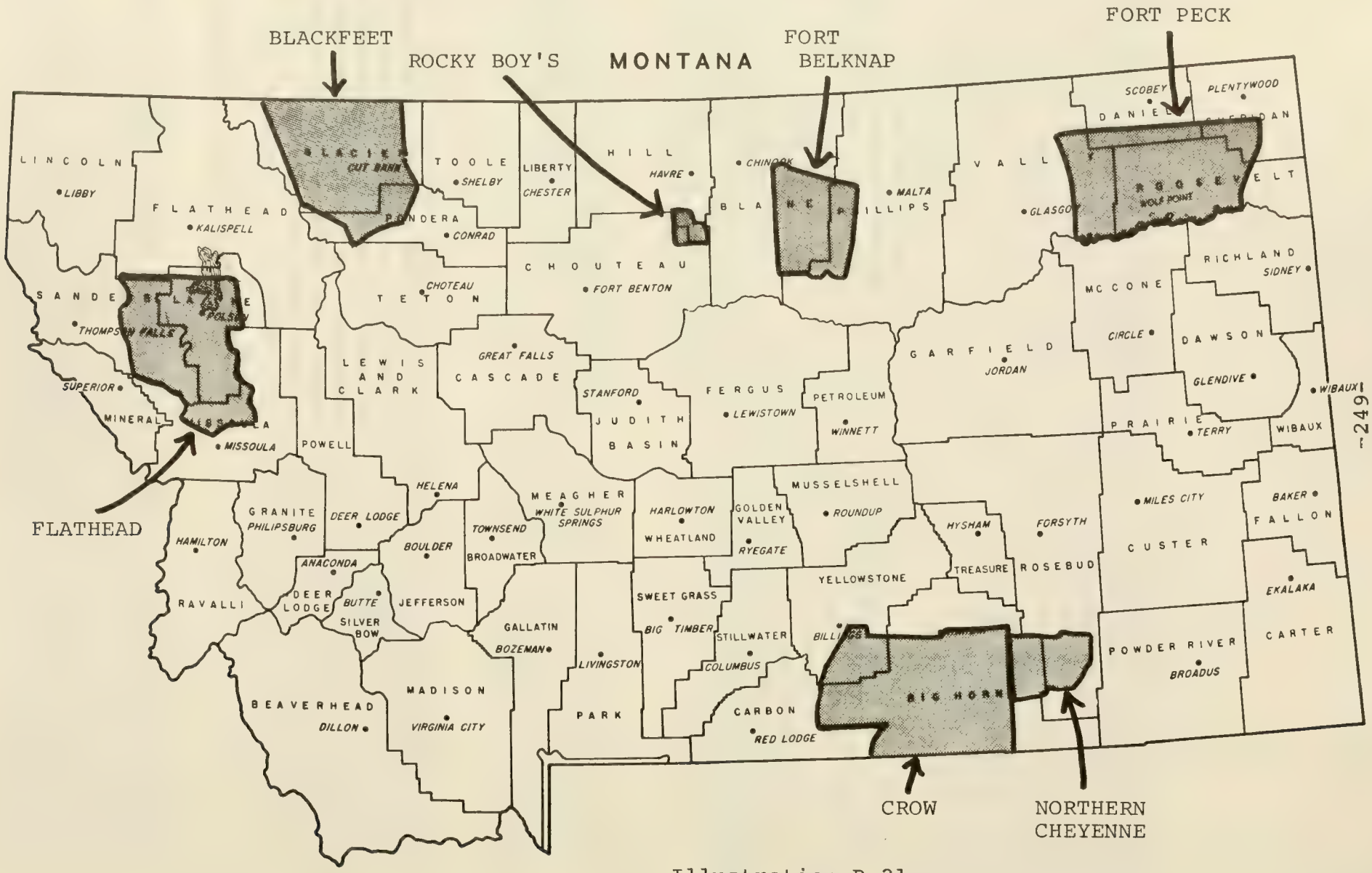


Illustration B-21
Location of Indian Reservations

As autonomous govermental units, the reservations are not integrated, as far as their criminal justice systems are concerned, with state, county, city, or local criminal justice systems except where there is a con-current or cross-deputization arrangement.

The following information represents a condensed view of each Indian reservation as it relates to Indian criminal justice systems.

The Flathead Indian Reservation

The Flathead reservation (615,709 acres) is located on the western slopes of the continental divide in northwestern Montana, covering approximately 2,200 square miles of valleys, mountains, and wilderness country. It is the home of the Confederated Salish and Kootenai Tribes, with headquarters in Dixon. The population is 15,494, including 5,800 Indians. Approximately 55.2% are under 20 years of age and approximately 2,980 enrolled members of the tribe live off the reservation. The principal sources of income are timber and leases.

There is a governing body of 10 members, following a constitution and by-laws consistent with the powers of self-government conferred upon Indian tribes by the U.S. Congress under the Indian Reorganization Act (IRA) of 1934. Several standing committees assist the council in decision-making.

Flathead Criminal Justice System

In 1964, the Flathead reservation granted limited con-current jurisdiction to the state of Montana, as permitted by PL 280, reserving sole jurisdiction in most civil and some criminal categories of law. The Confedereted Salish and Kootenai Tribes have a Law and Order Code and the court system consists of one chief judge and three associate judges who act in the absence of the chief judge or on an appeal. Efforts to assist in the improvement of tribal court administration nationally have been led by the North American Indian Judges Association, funded by LEAA.

The enforcement division of the Tribal Law and Order Program consists of one Chief of Police and 10 police officers. Enforcement services on the reservation are broad in scope in that they not only cover enforcement of the Law and Order Code, but are consistently used in helping situations. The department also consists of a criminal investigation officer employed by the Bureau of Indian Affairs (BIA), who presides over crime prevention programs and investigation of federal crimes; a police clerk, and three jailers hired through the Emergency Employment Act. The Chief of Police uses Peace Officers Standards and Training (POST) standards in hiring.

Six have graduated from the Montana Law Enforcement Academy, two from the Canine Academy, one from college and one from Roswell Indian Police Academy. Other training is received from the BIA, Highway Patrol, and County Sheriffs. There is partial cross-deputization with Missoula County and the City of Ronan. The relation to federal and state government is good. Cooperation between the tribal police and adjacent towns and counties is good. The tribal police department is manned 24 hours.

Alcoholism, unemployment, and inter-family disputes contribute largely to crime and delinquency.

The 1976 budget for the Confederated Salish and Kootenai Tribal Law and Order program was $110,000. The individual members of the Confederated Salish and Kootenai Tribes voted in a referendum requesting the Tribal Council to pay 90% of profits from Tribal enterprises as per capita payments and to use 10% of that income for operating expenses on the reservation; the facilities provided for law enforcement departments are minimal.

The Blackfeet Reservation

Located on the "high-line" of northern Montana, it is bordered on the north by the Canadian province of Alberta. The majority of the land is made up of high rolling plains, containing 1,525,712 acres, two-thirds of which are still controlled by the Blackfeet people.

The Blackfeet tribe numbers about 13,000, half of whom live on the reservation. Approximately 400 non-member Indians and some 2,000 non-Indians also reside there. There is a governing body constituted similarly to that of the Flathead Reservation.

Blackfeet Criminal Justice System

The tribal police department on the Blackfeet Reservation provides a 24-hour operation with three regular and one overlapping shift. The police department has one full-time Chief of Police and 11 sworn patrolmen; one is designated as a juvenile officer, two are criminal investigators. In addition to the tribal police, the BIA provides one special officer whose diversified services include criminal investigation and in-service training for the tribal police. Four of the tribal policemen are graduates of the Roswell Indian Police Academy and all officers took part in law enforcement training programs funded by LEAA. In-service training is infrequently conducted. There is no incentive offered to induce a desire for more education in the field of law enforcement.

The Blackfeet tribe has a tribal law and order code which recently has been revised. The court system consists of one chief judge, two associate judges, a juvenile judge, prosecutor, and clerk. During fiscal year 1975 the Blackfeet Tribe received a discretionary grant for $230,274 from LEAA to construct a juvenile correction center for counselling and working with young Indian people, keeping them in their own environment.

Rocky Boy's Reservation

Located in north-central Montana, about 30 miles south of Havre in the Bear Paw Mountains, is the home of the Chippewa-Cree. It was established by executive order in 1916.

A council of nine men represents the reservation's government. This reservation has the smallest area, 107,613 acres, and the smallest population, 1,483 Indians, 260 non-Indians. The number of square miles under tribal jurisdiction is 167.5. The FBI also has jurisdiction on this reservation. The law and order budget is $193,504, furnished by the BIA. The people who live on this reservation face critical economic problems.

Chippewa-Cree Criminal Justice System

The tribal police force consists of 12 officers, eight sworn. Ten are tribal police, two from the BIA. The department is manned 24 hours a day. There is reciprocal deputization with bordering counties of Chouteau and Hill. Six officers have graduated from various police schools. In-service training is conducted periodically by the BIA, city, Highway Patrol, and Border Patrol. The entire criminal justice system is operated as a joint contract between the tribe and the BIA. The relationship of the tribe to federal and state government is good.

Their court system consists of a chief judge and associate judges. The reservation exercises jurisdiction over Indians and non-Indians who enter and violate laws on the reservation. Drug and alcohol abuse among juveniles and adults are currently of greatest concern.

Fort Belknap Reservation

The Fort Belknap Indian Reservation covers an area of approximately 626,959 acres in Blaine and Phillips Counties. It lies in the northern great plains and is bordered on the north by the Milk River and on the south by the northern Little Rocky Mountains. It is the home of the Gros Ventre and Assiniboine Tribes.

The present enrolled membership is 1,483, with 246 non-Indians. Half of the Indian population lives off the reservation.

Gros Ventre and Assiniboine Criminal Justice System

Fort Belknap's tribal police force consists of a full-time chief of police, four full-time patrolmen, one part-time patrolman, a communications dispatcher, and a clerk. Five tribal police have graduated from Brigham City Police Academy. Their governing body consists of 11 representatives, organized under the IRA, and amended six times.

There is a Law and Order Code, a chief judge, two associate judges, and a clerk of court.

Fort Peck Indian Reservation

The Fort Peck Indian Reservation covers more than 2,093,124 acres of farm and grazing land, less than half of which is still owned by Indians. The reservation is 80 miles long and 40 miles wide. Two tribes, the Assiniboine and the Sioux, live on the Fort Peck, which is located in the north-eastern corner of the state. The population is 3,740 Indians and 6,492 non-Indians. The population is concentrated in four communities in the extreme southern part of the reservation. The town of Poplar is headquarters for the tribal government and the agency.

The Fort Peck Indians have what they call a Tribal Executive Board and General Council as their governing body, consisting of 12 voting members. They did not accept the Indian Reorganization Act but their constitution was approved by the BIA on October 1, 1960.

Assiniboine and Sioux Criminal Justice System

The law and order program includes a Chief of Police, Lieutenant of Police, four patrolmen, three trainee-patrolmen, one trainee police woman under the Emergency Employment Act, one special officer designated as juvenile officer, a resources manager, and three detention guards who work for the BIA. They have cross-deputization with Valley and Roosevelt Counties. Two graduated from Brigham City Police Academy.

There is a tribal Law and Order Code, one chief judge, two associate judges, and a court clerk. The Indian people suffer from low income, broken homes, alcoholism, extremely high incidence of juvenile delinquency, and a high unemployment rate.

The Northern Cheyenne Reservation

The Northern Cheyenne Reservation, totaling 444,147 acres, is in south-eastern Montana, lying in a rugged semi-mountainous area within Rosebud and Big Horn Counties. Of the 2,914 enrolled members of the tribe, 1,500 live off the reservation. About 150 Indians of other tribes live on or near the reservation today. Lame Deer is the reservation headquarters, located 45 miles from the nearest railroad or bus station.

The reservation's isolated location has been a major factor in both economic and social problems of the Northern Cheyenne people. The financial position of the tribal government has improved greatly in recent years because of increasing interest in oil and coal exploration on the reservation.

The Northern Cheyenne tribe organized in 1936 under the IRA. It has a governing body represented by 15 voting members.

Northern Cheyenne Criminal Justice System

Judicial prevention and enforcement services on the Northern Cheyenne Reservation are similar in operation to those of the other reservations. There is one agency special officer who works for the BIA, a Captain of Police, two Lieutenants, five patrolmen, and one rural police officer. The officer assigned to the rural area of the reservation is funded by LEAA. Four officers have graduated from police academies and have in-service training weekly, conducted by the BIA, city and county officers, Highway Patrol, FBI, and a Federal Probation Officer. The relationship of the Indian tribe to federal and state government is good. In October, 1975, the tribal council passed a resolution taking jurisdiction over non-Indians.

The tribal court system consists of a chief judge, two associate judges, and a court clerk. They have a tribal Law and Order Code.

The Crow Reservation

The Crow Reservation consists of 3,500,000 acres. Approximately 15,000 persons, including 100 non-Indians, reside within its boundaries. The Crow Reservation is located in south-central Montana southeast of Billings, mostly in Big Horn County. Families reside in remote areas of the reservation in small groups and/or communities. The Crow Tribe was not organized under the Indian Reorganization Act. In June, 1948, the Crow Tribe adopted a written constitution, under which the Tribe has a general council form of government in which every adult enrolled member has a vote. One hundred or more tribal members constitute a quorum. There is no representative tribal council.

Crow Criminal Justice System

The Crow Tribe supports a modern police department consisting of a Chief of Police, whose position is provided by the BIA, a tribal assistant Chief of Police, a Lieutenant of Police, a Sergeant of Police, six patrolmen, four radio-telephone dispatchers, a jailer, and a cook. Ten police officers have graduated from police academies. In support of the criminal justice system, the BIA provides an agency special officer, juvenile officer, and clerk-stenographer.

The Crow Tribal Court is closely patterned after the organizational plan described in title 25 of the Code of Federal Regulations as "Courts of Indian Offenses," which were established by the Interior Department pursuant to a federal statute. The federal regulations also provided that where a tribal council establishes its own tribal and/or court ordinances, its actions will be controlling and will supersede the applicable federal regulations. The Crow Tribe is in the process of drawing up a tribal Law and Order Code. The Crow Tribal Court consists of chief judge, two associate judges, probation/parole officer, and court clerk. The Crow Tribe constructed a new courthouse which was completed and dedicated in August, 1975, where all court personnel are housed.

Table B-80 shows offenses and arrests on Montana Indian reservations for 1972; table B-81 shows characteristics of Native Americans incarcerated at Montana State Prison, and table B-82 gives an itemization of subgrants awarded the reservations in the years 1974-75.

Table B-80
Offenses and Arrests on Montana Indian Reservations
1972*

	Number of Offenses	Percent Cleared by Arrest	Crime Index Offenses Per 100,000 Population
STATEWIDE			
Major Offenses against Persons	1639	64.9	227.3
Major Offenses against Property	22942	19.6	3182.0
Other Offenses	8028	43.0	1113.5
Total	32609	27.6%	4522.7
All Reservations			
Major Offenses against Persons	348	81.0	1768.2
Major Offenses against Property	782	66.5	3973.6
Other Offenses	1354	84.6	6880.8
Total	2484	78.4%	12622.6
Blackfeet			
Major Offenses against Persons	23	26.0	479.1
Major Offenses against Property	228	26.3	4749.0
Other Offenses	411	84.9	8560.7
Total	662	62.6%	13788.8
Crow			
Major Offenses against Persons	18	94.4	590.4
Major Offenses against Property	37	62.1	1213.5
Other Offenses	46	63.0	1508.7
Total	101	68.3%	3312.6

* Source: Profile of the Montana Native American, August, 1974, prepared for Coordinator of Indian Affairs, Helena, Montana, by Urban Management Consultants of San Francisco, Inc.

Table B-80 (Continued)
Offenses and Arrests on Montana Indian Reservations
1972

	Number of Offenses	Percent Cleared by Arrest	Crime Index Offenses Per 100,000 Population
Flathead			
Major Offenses against Persons	40	87.5	1243.4
Major Offenses against Property	50	72.0	1554.2
Other Offenses	146	63.0	4538.4
Total	236	69.0%	7336.0
Fort Peck			
Major Offenses against Persons	155	86.4	4663.1
Major Offenses against Property	433	88.9	13026.5
Other Offenses	465	85.5	13989.2
Total	1053	87.0%	31678.7
Fort Belknap			
Major Offenses against Persons	48	89.5	4259.1
Major Offenses against Property	4	50.0	354.9
Other Offenses	82	100.0	7276.0
Total	134	94.7%	11890.0
No. Cheyenne			
Major Offenses against Persons	40	62.5	1334.2
Major Offenses against Property	17	35.2	567.0
Other Offenses	166	96.3	5537.0
Total	223	78.4%	7438.2

Table B-80 (Continued)
Offenses and Arrests on Montana Indian Reservations
1972

	Number of Offenses	Percent Cleared by Arrest	Crime Index Offenses Per 100,000 Population
Rocky Boy's			
Major Offenses against Persons	24	91.6	2061.9
Major Offenses against Property	13	61.5	1116.8
Other Offenses	38	94.7	3264.6
Total	75	88.0%	6443.3

Note: Population base for Crime Index is FBI estimate.

Statewide:	721,000
All Reservations	19,680
Blackfeet	4,801
Crow	3,049
Flathead	3,217
Fort Belknap	1,127
Fort Peck	3,324
No. Cheyenne	2,998
Rocky Boy's	1,164

Table B-81
Characteristics of Native Americans
Incarcerated at Montana State Prison
March, 1974*

Total Native Americans Incarcerated	87
Percentage of all prisoners incarcerated (five-year average 1967-72)	36%
By Type of Crime	
Violent	36
Sex Crime	8
Non-Violent	43
Average Length of Sentence	14.5 years
Average Time Served	1.5 years
Average Age of Inmate	24.0 years
Average Educational Level of Inmate	8th grade

Reservations Represented	Number of Inmates
Flathead	18
Fort Peck	11
Blackfeet	9
Crow	5
Fort Belknap	3
Rocky Boy's	3
Landless	16
Out of State	22

* Source: Profile of the Montana Native American, August, 1974, prepared for Coordinator of Indian Affairs, Helena, Montana, by Urban Management Consultants of San Francisco, Inc.

Table B-82
ITEMIZATION OF SUBGRANTS BY RESERVATION
1974 - 1975

Subgrantee	Grant Number	Program	Total
Blackfeet Tribe	74-33575	Out-of-State Training	$ 630.34
	75-63515	Youth Development	3,060.00
	74-33625	Out-of-State Training	689.81
			4,380.15
	TOTAL		
Northern Cheyenne Tribal Police	74-53896	Equipment	$ 874.00
Crow Indian Agency	74-43679	Equipment	$ 3,120.63
	74-43680	Communications	4,936.53
			8,057.16
	TOTAL		
Salish-Kootenai Tribe	74-13235	Communications	$ 3,424.40
	74-13424	Out-of-State Training	235.15
	75-13495	Law School Intern	1,574.10
	75-13636	Equipment	1,894.74
	74-13910	Out-of-State Training	248.94
	74-13883	Equipment	1,332.95
	75-13882	Communications	768.89
	TOTAL		$ 9,480.17
Rocky Boy's Reservation (Chippewa-Cree Tribe)	75-DF-08-0013	Equipment & Manpower	$ 19,404.00
NONE FROM PART E			

PART I - THE MULTI-YEAR PLAN

C. PROBLEM ANALYSIS

THE MULTI-YEAR PLAN

PROBLEM ANALYSIS

In the Problem Analysis section, in order to provide the greatest degree of continuity and flow of information, all aspects of each of the substantive areas of the criminal justice system are discussed by proceeding through the program categories of each area, and within that discussion addressing the relationship to analyses, goals, objectives, standards, priorities, the multi-year forecast, and budget.

The nine program areas may not in all cases be applicable to each substantive area of the criminal justice system and in some instances they are obsolete as applied to that component.

The multi-year budget is presented in the following pages.

MULTI-YEAR BUDGET FOR ACTION PROGRAMS

MANPOWER		1977	1978	1979
A1	Replacement Manpower	9,000	10,000	10,000
A2	Post-Graduate Employment	30,000	15,000	-0-
A3	Juvenile Probation	48,000	48,000	48,000
A5	Clinical Services	50,000	50,000	50,000
A7	Volunteer Auxiliary Police	5,000	-0-	-0-
A10	Court Administration	45,000	50,000	50,000
A21	Law School Interns	25,000	10,000	-0-
A22	Planning Statewide Defender	20,000	25,000	-0-
	TOTAL	232,000	208,000	158,000
TRAINING				
B4	Out-of-State	14,000	10,000	10,000
B5	Division of Corrections Training (Probation/ Parole)	15,000	20,000	20,000
B7	Juvenile Probation In-Service	15,000	45,000	20,000
B9	County Attorney In-State	7,000	30,000	30,000
B16	In-State Training for Defense Attorneys	5,000	10,000	10,000
B22	Judicial Education & Training (both in-state & out-of-state)	50,000	100,000	100,000
	TOTAL	106,000	215,000	190,000
EDUCATION				
C2	Public Education	25,000	25,000	25,000
C3	C.J.S. Interns	20,000	15,000	10,000
C4	Post-Secondary/Inmates	10,000	-0-	-0-
	TOTAL	55,000	40,000	35,000
EQUIPMENT				
D1	Equipment	60,000	50,000	40,000
D4	Educational Material (Prob./ Parole, Criminal Codes, Handbooks for Youth, Court Procedural Handbooks, & Police Commissioners, Visual Aids)	10,000	10,000	5,000
	TOTAL	70,000	60,000	45,000

		1977	1978	1979
FACILITIES				
E3	Courts (Supreme Court Only)	15,000	100,000	100,000
E4	Juvenile Receiving Center	40,000	250,000	200,000
E5	Local Jails	51,000	50,000	50,000
	TOTAL	106,000	400,000	350,000
WORKLOADS				
F4	Crime Analysis Unit	10,000	10,000	5,000
	TOTAL	10,000	10,000	5,000
OPERATING STANDARDS				
G1	Consolidation	50,000	200,000	150,000
G2	Target-Crime Areas	375,000	450,000	450,000
G7	Project Evaluation	60,000	60,000	60,000
	TOTAL	485,000	710,000	660,000
SERVICES				
H1	Community Awareness C.J.S.	30,000	50,000	50,000
H2	Juvenile Intensive Counseling	15,000	15,000	15,000
H5	Requirements for Law-Related Education in Public Schools	5,000	5,000	-0-
	TOTAL	50,000	70,000	65,000
INFORMATION SYSTEMS				
I1	CJS Information System	20,000	5,000	-0-
I2	Communications	70,000	60,000	60,000
I4	Statewide CJS Information Services	100,000	150,000	150,000
I5	Juvenile Information	10,000	7,500	5,000
I11	(2) Uniform Recordkeeping Manuals & Procedures Manuals	15,000	-0-	-0-
	TOTAL	215,000	222,500	215,000
	GRAND TOTAL	1,329,000*	1,935,500	1,723,000

*This budget is tentative and subject to revision.

PART E		1977	1978	1979
P11	Security Equipment for Prison	31,500		
P22	Pre-Trial Release	25,000		
P23	Pre-Sentence Referrals	28,500		
P24	(1) Teacher Position (Swan River)	15,000		
P25	Alcohol & Drug Abuse Treatment	40,000		
	TOTAL	140,000*	140,000	140,000

*This budget is tentative and subject to revision.

POLICE

MANPOWER - PROBLEMS AND NEEDS

In order for a police agency to provide 24-hour-a-day, seven-day-a-week minimum police services to a political jurisdiction, there must be a minimum complement of five officers. The ideal police system is based on a 10-man minimum department. This ideal system also considers a ratio of two sworn officers per 1,000 population to be desirable, although it must be recognized that in some jurisdictions a 2:1,000 ratio is not enough to handle the workload and in others it may be more than adequate. Sworn officer workloads and deployment should be at a level where officers can be released to attend training and handle special details or problems as they arise.

With Montana's large geographical size and small population the statewide ratio of sworn officers per 1,000 population is 1.43. This problem is further complicated by an average density of one sworn officer per 137.1 square miles. Eighty-four percent of the state's sheriffs' offices have fewer than 10 sworn officers, and 39% have fewer than five officers. In the 11 high crime areas, the ratio of sworn officers per 1,000 population is only 1.14:1,000.

Salaries for sworn officers should have a minimum base and be commensurate with civilian employment positions.

Sworn officers should not perform functions that can be handled by civilian personnel.

MANPOWER - GOAL

Twenty-four hour availability of police services to each legal jurisdiction in Montana

MANPOWER - OBJECTIVES

To establish and effectively deploy 10-man units to provide law enforcement service to each county with over 5,000 population by 1985

To encourage local governments to enter into interlocal agreements for cooperative police services

To train 60 volunteer auxiliary sworn officers by 1978 to assist with special deployment problems and unusual incidents that may arise

Manpower-Standards

Every local government shall provide for access to law enforcement service and response to law enforcement emergency situations 24 hours a day. (Montana Justice Project Standard 6.1)

The state of Montana shall, by 1978, enact legislation enabling peace officers to retain all the privileges and immunities from liability, all pension, insurance, salary, and other benefits to which they are normally entitled, when responding to and/or providing assistance to any other peace officer who has called for assistance (Montana Justice Project Standard 6.4)

Every local government should take whatever actions are necessary to provide law enforcement services through mutual agreement or joint participation where such services can be provided most effectively. (Montana Justice Project Standard 6.5)

Manpower-Priorities

In order to reach the goal of 24-hour availability of police services, several factors must be considered. A 10-man department is considered to be a minimal size for effectiveness and productivity. Most of any law enforcement budget is related to personnel. Local governmental bodies are already financially burdened. The number one priority is considered to be the encouragement of cooperative arrangements for police services. (See cooperative arrangements in Section B 2 c).

Many sworn officers spend their time performing functions that could be handled by other agencies or civilian personnel. The second priority is to have non-law enforcement functions delegated either to other agencies or to civilian personnel.

The third priority will be to provide additional sworn officers as funds are available.

Manpower-Multi-Year Forecast

Twenty-two of Montana's 56 counties have some form of cooperative police arrangement. It is the intent of annual action program G-1 to encourage 80% of Montana's counties to enter into some form of cooperative arrangement for police services by 1980.

Many officers in departments of fewer than 10 sworn officers would be unable to attend basic or specialized training at the Montana Law Enforcement Academy without the hiring of a replacement for the duration of the training. Every sworn officer should at least attend basic training in subsequent years. Annual action program A-1 is designed to help meet this need.

MANPOWER- MULTI-YEAR BUDGET

Action program A-7 is designed to allow training of 60 auxiliary officers by 1978 to perform law enforcement duties as needed. Legislation must first be passed during this action year to mandate training of 60 auxiliary officers in 1978 and a training program for auxiliaries initiated at the Law Enforcement Academy. By 1979 the POST Council will have initiated an in-service training program for all auxiliary officers.

The multi-year forecast sees action program A-2 being phased out by 1980 because of financial limitations and the high cost of personnel. The amount of funds shown will be allocated to cover only those personnel that are currently under the program.

Refer to the multi-year budget at the front of this section.

POLICE

Training - Problems and Needs

To reach and maintain a high level of police professionalism, each recruit should be required to complete at least 400 hours of basic police training, as referred to in the National Advisory Commission on Criminal Justice Standards & Goals (NCCJSG) Police Standard 16.3, prior to his/her first assignment with the agency. Current POST standards require a basic course of 280 hours and the new officer has one year from the date of his/her initial employment to satisfactorily complete this minimum training.

This ideal recruit training should include the basic skills of mass and personal communication, an overall understanding of the police function and preparation to investigate any crime, apprehension of the offender, and preparation of the case for prosecution.

In order to maintain effective performance capability for the duration of a sworn officer's career, every law enforcement agency should provide for 40 hours of in-service training annually (NACCJSG Police Task Force Standard 16.5).

Juveniles account for approximately 23% of the arrests for the seven index crimes. Seven of the 11 law enforcement agencies referred to in the high crime incidence section have an officer designated as a juvenile officer. He/she may have received only limited training in this specialized area.

Personnel policies of law enforcement agencies generally do not provide adequate standards for recruiting, training, and the career advancement of officers. POST is helping to alleviate this problem, but there is much that remains to be accomplished.

Many law enforcement administrators have either risen through the ranks or been elected to their position without the benefit of training in administrative skills. To assist in the development of modern police administration, specialized training should be made available or even mandated for these administrators. The POST Council and the Law Enforcement Academy were working to develop such a program, but have deferred any further action until a decision is made on mandatory management training.

About 60% of the peace officers in Montana are POST certified. About 10% of the law enforcement agencies are not meeting POST selection and training standards. There is an apparent need for POST to monitor local agencies and assist them in meeting POST standards.

Training - Goal

To insure that Montana law enforcement officers are of a professional character, competent, and capable of providing the police service the public expects

Training - Objectives

To require, by 1982, that each police (law enforcement) recruit receive a minimum of 400 hours of training prior to his/her first assignment

To have every law enforcement agency provide for 40 hours of in-service training for each sworn officer annually by 1980

To provide for full state funding of the Montana Law Enforcement Academy Bureau by 1978

To provide specialized management training for each newly elected or appointed law enforcement administrator within six months of his/her assumption of the position

To achieve 100% compliance with POST standards for selection and training by 1979

Training - Standards

All peace officers should receive 400 hours of basic training prior to assignment. (NACCJSG Police task force, 16.3)

Interpersonal Communications Training: (NACCJSG Police task force 16.4).

> "All peace officers within the state of Montana shall have successfully completed the minimum basic peace officer training course as established by POST prior to being sworn and exercising that authority."

Montana Justice Project Police task force 1.3:

> "The state of Montana shall, by 1978, provide for continued full funding of the Montana Law Enforcement Academy."

Montana Justice Project Police task force 1.5:

> "Every law enforcement agency shall provide a minimum of 40 hours of formal in-service training annually to sworn peace officers."

Training - Priorities

No law enforcement agency can function properly without the benefit of a good administrator. Proper management training is considered an essential element in the development of a good administrator. The number one priority at this time is to provide management training for all new law enforcement administrators.

The second priority is to continue to increase and broaden the scope of basic training a new officer receives.

The third priority will be to certify and document the level of in-service training that is being conducted within local law enforcement agencies.

Training - Multi-Year Forecast

A supervisory course has been developed and by the end of FY 1978 a "command and management" course will have been developed for the Law Enforcement Academy. By the end of 1980 it will be a mandatory course for all new law enforcement administrators.

By the close of FY 1980 the basic course at the Law Enforcement Academy will be expanded to 320 hours and will include more course material on interpersonal communications.

On November 1, 1976, the POST Council will employ an assistant director to monitor local law enforcement agencies and assist them in meeting POST standards. At the close of FY 1980, POST will be able to certify and document 80% of the in-service training that is being conducted in Montana.

Training - Multi-Year Budget

Refer to three-year budget forecast page at the front of this section. See specifically program B-4.

POLICE

Education - Problems and Needs

The level of formal education that is necessary to perform the duties of a law enforcement officer in Montana is still a controversial subject. The broad geographic and demographic characteristics of the state do not readily lend themselves to an easy analysis of what level of formal education is necessary.

It was the feeling of the Montana Justice Project Police Task Force that law enforcement would evolve to the level of formal education it actually requires. At the present time the POST requirement is for a minimal education of a high school diploma or its equivalent. The Montana Justice Project Task Force felt that "at the present time, this level of formal education is sufficient." However, the profession is rapidly becoming more complex, and this is creating a need within law enforcement to obtain additional formal education.

Table B-17 (Comparative Montana Peace Officer Data) shows that the level of formal education has been steadily increasing over the last three years. The current average amount of formal education of officers attending the Law Enforcement Academy is 13 years, one month. The mean educational level of Montanans is slightly in excess of 13.3 years. Law enforcement must continue to increase its formal education level to at least that of the general population it serves.

Professional status is usually discussed in terms of higher education obtained beyond high school. Currently it does not appear to be feasible to mandate formal education beyond high school as a requirement for employment as a law enforcement officer in Montana. If Montana's law enforcement officers are to continue their quest for professional status it must be done on an individual basis. They must pursue an advanced level of education that imparts the requisite level of knowledge. Local governments should assist in their professional development by providing incentive pay or promotional benefits for college attendance. Local colleges and universities might consider scheduling related classes at more convenient times. It would appear that as the officers' level of expertise developed, their role could be better defined and non-law enforcement functions performed by civilian personnel. Several problems arise in this professional development in that there are 12 colleges and universities in the state and they do not conveniently serve the entire law enforcement population. Smaller cities and towns especially are unable to compete with private industry for the college educated in terms of pay and benefits.

Education - Goal

To increase the level of Montana's law enforcement professionalism

Education - Objectives

To increase the mean level of formal education of law enforcement officers to 14 years by 1980

To encourage the recruitment of college educated applicants in law enforcement agencies

Education - Standards

Refer to NACCJSG Task Force on Police; 15.1 and 15.2.

Education - Priorities

In order to raise the mean educational level of sworn officers, law enforcement agencies should immediately adopt a formal program of educational incentives to encourage peace officers to achieve a college-level education.

Law enforcement agencies should immediately pursue the affiliation of peace officer training programs with academic institutions to upgrade their level of training and provide incentives for further education.

Law enforcement agencies with 25 or more sworn officers should adopt, by 1980, educational standards in excess of two years or 60 semester units at an accredited college or university on the basis of a comprehensive study, which should involve, but not be limited to, a consideration of the changing level of education, availability of manpower, and acceptance level by the legislature and courts.

Education - Multi-Year Forecast

If the trend toward increased educational levels in the general population continues, these will be more of a manpower pool from which law enforcement agencies can recruit. The mean level of law enforcement education should continue to rise naturally.

It appears also at this time that the average age of law enforcement officers is remaining fairly constant. This may or may not be an indication that younger officers are being recruited. More young people are attending institutions of higher learning and these younger officers with incentive pay may be more inclined to attend college classes than the older officers.

If advanced recruiting methods are applied and incentive pay offered for college attendance, the mean level of law enforcement education should easily rise to 14 years or 60 college semester units by 1980.

Education - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

POLICE

Equipment - Problems & Needs

Each law enforcement agency should evaluate its officers' needs for personal and specialized equipment and develop written policies concerning conformity with policy standards and their use. Each agency should supply each officer with adequate equipment for his/her own protection and that of the public.

Uniforms and emerging vehicles which are easily recognized and identifiable as that of a police officer should be provided and equipped.

Specialized equipment should be readily available or available within the department depending on the nature of the equipment.

Every on-duty officer, for his/her own safety and that of the public, must be able to communicate directly with the control center. In smaller communities with small-sized law enforcement departments it becomes necessary to provide for 24-hour availability and contact with off-duty officers should an emergency arise.

Table B-17 indicates that between 70 and 75% of Montana's law enforcement agencies provide their sworn officers with uniforms and between 90 and 95% provide patrol vehicles. A problem exists in that very few law enforcement agencies have written equipment policies concerning uniformity, interchangeability, or adequacy.

It appears that all patrol vehicles now have been equipped with multiple-frequency mobile radios. Centralized purchasing for communications equipment has been established through the State Communications Division. A State Communications Plan has been developed and is in operation. A repeater system has been designed and is almost complete across the state. This repeater system will make possible communications capabilities in areas where there previously were none. Engineering assistance for communications system design is now available through the Communications Division.

Even though modern communications technology is being applied around the state, a problem still exists in some areas in relation to manpower shortages. There are some law enforcement agencies in the state that must rely on officers' spouses, hospital emergency rooms, telephone operators, or private citizens' homes for communications and calls for emergency services during certain hours of the day. Unfortunately these people are untrained in the use of the emergency telephone, dispatch, or sophisticated communications equipment.

Montana has the LETS network administered by the state which provides for rapid inter- and intra-state as well as national communication. A comprehensive study is being conducted on information system needs. One aspect of this study is determination of the feasibility of a centralized state information system tied to local agencies through the LETS system.

Specialized investigative equipment is available in most law enforcement agencies, except where the equipment is not of an emergency nature or not cost-beneficial. Equipment of this nature is usually available somewhere in the planning region; i.e., polygraph, special training equipment, bomb disposal, etc.

The SPA has established recommended minimum standards for equipment for the officer, the car, the department, and regional resources.

With the ever-changing role of law enforcement and the increasing sophistication of criminal resources, new technological needs are continuously arising and equipment resources have to be expanded to increase the efficiency and effectiveness of police services.

Equipment - Goal

Each law enforcement agency should have available adequate equipment for the protection of its officers and the public. Specialized investigative equipment would be available as needed.

Equipment - Objectives

To have all sworn patrol officers easily identifiable while on duty, by 1980

To maintain constant communications capability with each sworn officer while he/she is on duty, before 1979

To provide for the availability of the latest developments in specialized equipment as the need arises

To provide for automated information systems if the need and feasibility is demonstrated

Equipment - Standards

Refer to NACCJSG Police Task Force Report Standards 21.1, 21.2, 21.3, 22.1, 22.2, 23.1, 23.2, 23.3.

Equipment - Priorities

As pointed out in the problem analysis, there are still some jurisdictions in the state that do not have 24-hour command centers, nor a sworn officer on duty at all times. This is occurring in smaller departments and the need is to provide for a 24-hour law enforcement dispatch center and the immediate ability to contact an off-duty officer in case of an emergency. The number one priority in the equipment area is an overlap with manpower needs -- 24-hour availability of police services.

Especially in the high crime incidence areas of the state, it becomes very important to make available the latest in technological advances. New methods of operation coupled with advanced technical applications can help offset manpower shortages and increase the productivity of the available manpower when applied in a well-planned manner.

Equipment - Multi-Year Forecast

Many of the local governments that do not provide their sworn officers with uniforms or marked vehicles are those local governments with small law enforcement agencies. With the completion of the local government review process it is anticipated that for financial and other reasons law enforcement services may be provided through cooperative agreements with other law enforcement entities that can provide for recognition of their officers.

With the rapid increases in law enforcement communications technology, the application of methods used by the business community for years and the necessity for this technology transfer due to the increased demands for law enforcement services, local governments will, by 1980,take the necessary steps to provide for instant communications with their officers while on duty.

Equipment or hardware needs for information systems will be more fully discussed in the information systems section of the multi-year plan.

Equipment - Multi-Year Budget

Refer to the multi-year budget at the front of this section (program D-1).

POLICE

FACILITIES - PROBLEMS AND NEEDS

Most law enforcement facilities in the state were built in the late 1800s or early 1900s and were constructed in conjunction with the local jails. The physical condition of these buildings is more thoroughly discussed in the city-county jail section of this plan.

Sporadic remoding has occurred, but as a general rule new concepts in the design of police facilities were not incorporated in the remodeling. This was usually due to a lack of space and finances.

Now it is becoming apparent, with Supreme Court rulings on law enforcement and with public apathy and hostility to the police, that the lack of adequate facilities is a very real handicap to efficient police operations.

Modern facilities should include a pleasant working environment, easy access for the public, and protected interrogation and evidence rooms. Administrative offices should be easily accessible and not crowded. Pre-trial detention areas should allow adequate space and privacy for attorney/client conferences.

Construction of modern law enforcement facilities is usually too costly for most local governments, but such facilities are essential to improved law enforcement.

When feasible the consolidation of facilities and support services between local governments will eliminate the duplication of inadequate services and provide an increased financial source for construction or renovation of facilities.

Refer to the Technical Assistance section of this plan for assistance in the planning and design of a modern law enforcement facility.

FACILITIES - GOAL

Modern law enforcement facilities that are designed to meet the changing needs of law enforcement and the public it serves

FACILITIES - OBJECTIVES

To improve the physical condition of local law enforcement facilities in the 11 high crime areas by 1982

To assist local government in the planning and design of modern law enforcement facilities

To have located sources of funding for construction or renovation of law enforcement facilities as soon as the planning process is completed

Facilities - Standards

No standards were consulted in this problem analysis. Planning information is based on Supreme Court Decisions and recommendations for facility design from the National Clearinghouse for Criminal Justice Planning and Architecture, University of Illinois at Urbana.

Facilities - Priorities

Local government should investigate the conditions that exist in their law enforcement facilities. Are they adequate in terms of health, safety, fire, employee environment, security and legality? Are they physically sound? Are they designed to serve the public law enforcement is there to protect?

Local government structure is currently being reviewed by the Local Government Study Commissions. Many communities will be making a decision to change their local government structure or suggesting cooperative agreements to end the duplication of government services.

Whatever decision is reached (to construct or renovate a law enforcement facility) individuals knowledgeable in the design of such a facility should be consulted for recommendations.

Facilities - Multi-Year Forecast

Modern law enforcement facilities will be constructed or existing facilities renovated in four counties of the state.

It is anticipated that 10 counties will submit requests for technical assistance in the planning and design of modern law enforcement facilities.

Facilities - Multi-Year Budget

Refer to the multi-year budget at the front of this section (specifically to program E-3).

POLICE

Workloads - Problems and Needs

It is quite apparent in Montana that there will be no rapid increase in the number of sworn officers that are available.

Industry has recognized for years that there is a maximum workload for employees, after which point productivity tends to decline. The maximum workload for the different law enforcement functions has yet to be precisely defined. The Rand Reports* attempt to do so in the investigative process and several POST Councils are attempting to do so.

Law enforcement agencies experiencing increased demands for service are going to have to examine their role in the community and evaluate their operational structure and deployment techniques to obtain the most output from the least amount of input.

Departments faced with increasing workloads must be able to justify requests for additional personnel. This may require identification and quantification of the actual workload and level of police service required.

In terms of effectiveness and productivity, the allocation of patrol resources has a fundamental relationship to crime repression, prevention, and deterrence and investigation efficiency. Proper allocation may mean the difference between a high crime rate and a lower one, and can affect clearance and closure efforts. Response time and the more equal distribution of the workload are also dependent on effective allocation and distribution of resources.

Any attempt at this point to examining officer workloads in Montana would be of little or no real value. A comprehensive study would have to be undertaken in selected jurisdictions. At this time, the only pertinent data the SPA has is the number of events or incidents, time of day, and seasonality trends for arrests. The primary factor in a workload study is to determine the actual time expended on all activity by members of the different divisions.

The number of sworn officers available to answer calls for service is also not reliable because a cursory examination indicates there are many sworn officers serving as jailers or dispatchers, and performing administrative functions that could be handled by civilian personnel.

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* The Criminal Investigation Process, Vol. I: Summary and Policy Implications, Rand, 1975 p. iii.

Supplementary manpower should assume the responsibility for support services and some administrative functions to the maximum extent possible. Sworn trained personnel should be limited to patrol, investigation, and law enforcement duties. If at all possible, many calls for service should be referred to other social service agencies. The police role can no longer respond to being the institution that tries to handle every problem that is brought to its attention.

A superficial examination of police agencies indicates there are many that do not have any formalized organizational structure. Without some formal structure it is almost impossible to fix any responsibility for activity.

Tried methods of manpower deployment should be initiated; i.e., geocoding and crime analysis. Here again a cursory examination shows only two or three departments are utilizing only a superficial crime analysis technique. Many law enforcement agencies do not utilize available data to identify high crime problems and areas, let alone supply tactical deployment techniques to these areas.

Workloads - Goal

To increase the productivity of existing trained sworn officers

Workloads - Objectives

To utilize whenever possible supplementary personnel in place of sworn trained officers

To maximize the utilization of shared resources with other law enforcement and government agencies

To initiate formal structures for the best utilization of available manpower

Workloads - Standards

NACCJSG Report on Police, Standards 8.1, 8.2, 8.3, 9.1, 9.2, 9.3, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 10.1, 10.2.

Workloads - Priorities

To reduce officer workloads, the first activity should be to utilize supplementing manpower to the maximum extent possible and relieve trained sworn officers of non-police functions.

Techniques should be formalized to deploy available manpower when and where it will produce the most results.

Workloads - Multi-Year Forecast

It is very difficult to make structural changes in organizations without having a backlash from personnel, especially where it entails moving individuals with considerable tenure. Once the initial change has been accomplished, annual review and modification is much easier, as the structure should not require major revisions. With the reluctance to make drastic revisions, it does not appear there is too much activity in this area except in the top three high crime counties where organizational revision is fairly continous to meet the changing environment. In the smaller police agencies, especially those with fewer than 10 officers, an informal organizational structure may be more desirable.

In the top three high crime counties activity is progressing toward programs of formalized crime analysis and should be operational within the next three years.

Workloads - Multi-Year Budget

Refer to the multi-year budget at the beginning of this section.

POLICE

Operating Standards - Problems and Needs

While it would be desirable to have the criminal law clearly express effective and enforceable limits of conduct, the fact that it does not always do so requires the police to exercise a great deal of discretion in enforcing the law.

Usually only a police officer makes a decision on when or whether to take a person into custody. The officer must rely on the language of the law as interpreted by the judiciary and refined by informal direction from his agency and local prosecutors. This authority places the individual police officer among the most important decision-makers in our society. Only in the police service is such tremendous authority delegated without administrative guidelines.

Every police agency should acknowledge the existence of the broad range of administrative and operational discretion that is exercised by all police agencies and individual officers.

Clearly defined operational policies are necessary for effective administration, planning, and liaison with the public and other agencies. Policy embodies the philosophies, principles, attitudes, values, and intentions of management. Policy is different from rules and procedures. Policy should be stated in broad terms to guide employees. It sets limits of discretion. Rules and procedures significantly reduce or eliminate discretion by stating specifically what must or must not be done.

If a policy is not in writing, it cannot be considered firm, and personnel cannot be held strictly to it.

In order to establish firm policies, a police agency has to first define its role in the community it serves. This role must be accepted by the community, local government, and the agency itself.

Each agency should post written policies defining the duties, responsibilities, and activities of the agency and its personnel and present these policies to the public.

The results of the consumer surveys (see Crime Analysis section) indicate that the citizens of Montana may not have an understanding of the police role in their communities. In some cases it appeared that public apathy exists.

Law enforcement agencies that operate without public cooperation and support cannot operate at their full potential of effectiveness.

The consumer surveys indicated that from 30% to 35.9% committed go unreported, primarily because they felt that reporting was useless, nothing would be done, and that the police do not respond quickly enough.

Law enforcement must take an aggressive role in improving communication with the media and the public. Operating standards should be set and enforced to insure communication with the press, response to citizen grievances, and participation in community affairs. The agency must insure that the community distinguishes proper police functions from the responsibilities of other agencies.

Without formal direction too much is left to an individual officer's discretion and interpretation as to what his responsibilities are and how he should respond in different situations.

Operating Standards - Goal

To clearly define operating procedures for police agencies

Operating Standards - Objectives

To clearly define the police role in Montana's planning regions by 1979

To encourage law enforcement to take an aggressive role in improving communication with the media and the public immediately

To assist local police agencies that have not already done so, in the 11 high crime areas, to formulate written policies concerning departmental operating standards by 1978

To reduce the amount of unreported crime to 25% by 1980. (Based on consumer victimization surveys)

Operating Standards - Standards

Refer to NACCJSG Police Report Standards 1.1,1.2,1.3,1.4, 1.5,1.6,1.7,2.1, and 2.2.

Operating Standards - Priorities

The main priority is to clarify the police role for the officers and the public they serve. In order to accomplish this the police role in the community has to be defined and formal policies established, written or unwritten, detailing operational standards. These standards then have to be communicated to the public.

Operating Standards - Multi-Year Forecast

The Montana Justice Project standards will be finalized within this action year. These standards and recommendations will lay the groundwork for defining the police role in the state and in local communities. These standards will begin having an effect within the next three years, but the full impact will not be felt until after this time period. Full implementation of these standards and recommendations will require the cooperation of the public, the media, and the elements of the criminal justice system.

These standards will then undoubtedly be refined to meet the needs of the local communities.

Operating Standards - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

POLICE

Information Systems - Problems and Needs

All criminal justice agencies will require substantially more information in the next 10 years. The information will assist local and state criminal justice agencies in the apprehension of criminals and the reduction of personal risk to arresting officers, will expedite handling of court cases and will facilitate the effective treatment of offenders. It will aid in planning, organizing, directing, and evaluating activities for which statistical data is important.

Police information systems must be an integral part of the overall criminal justice information system. This will aid in reducing duplication of effort and assist in keeping costs down. A planned criminal justice information system will aid in keeping track of individuals as they proceed through the criminal justice system. The needs of the different parts of the criminal justice system are different, but there is duplication and overlap.

An integrated network of criminal justice information systems must be developed for collecting, processing, and disseminating data. Considerable use of the latest technology involving computers, telecommunications, and terminals will be required to operate a single, complete information network linking all criminal justice agencies. The network must be operational on a 24-hour, seven-day-a-week basis. Even the smallest department should be able to take advantage of the services offered by such systems. This can be accomplished through radio or telephone access to the office of the nearest larger agency with terminal access to such a system.

Agencies developing or operating an information system should immediately identify critical information needs and assign priorities to them according to the requirements of the user.

The Automated Data Processing Center of the SPA Bureau of Research and Design is responsible for the coordination and development of a statewide criminal justice information system plan. The plan will identify individual system needs, make recommendations on the use of automation, and provide long-range guidelines for the acquisition and utilization of computerized information systems for criminal justice within the state.

Information Systems - Goal

An interrelated network of police information systems that provides accurate and timely information for police operations and administration

Information Systems - Objectives

To complete the information systems plan by the end of FY 1977

To initiate implementation of the information systems plan as soon as it is complete

Information Systems - Standards

Refer to Montana Justice Project's Information Systems Report Standards 1.1 through 1.8 and Standards 2.1 through 2.12.

Information Systems - Priorities

Before the state information systems plan is completed, the first priority is to stress the importance of coordination among the different parts of the criminal justice system.

Once the plan is complete, implementation can begin according to priorities established in the plan.

Information Systems - Multi-Year Forecast

The development of the state information system plan will be complete by January, 1977. Implementation will begin immediately. The extent to which the plan can be implemented will be restricted in the next three years due to the limited availability of finances.

Information Systems - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

COURTS, PROSECUTION, DEFENSE, AND LEGAL EDUCATION--PROBLEM ANALYSIS

Background-Discussion

The following description furnishes background material and discusses resources and capabilities for the major areas of courts (judicial branch), prosecution, defense, and legal education. Subsequent discussion of goals, objectives, priorities, etc., will be done separately for courts, prosecution, defense, and legal education: the problem analysis/background/discussion of resources and capabilities will be presented only once.

Montana's problems in supplying adequate governmental services, including those provided by courts, prosecution, and defense may not be unique, but they are problems peculiar to the intermountain West, and they resist conventional rural/urban classification. Mention is here made of a few factors that must be considered in planning for governmental services generally in Montana.

Geographically, Montana is the fourth largest state in area--over 145,500 square miles. More than half the land has been removed from the property tax base through federal trusteeship, ownership, or reservation. A family-size ranch consists of more than 2,000 acres: farms and ranches operated by agribusiness corporations may be based on hundreds of thousands of acres.

Although the state is primarily agricultural, its industrial base almost equals agriculture in value, income, and employment. Industrial activities are largely extractive. Agriculture and extractive industry are very sensitive to circumstances that are beyond the control of farmers, miners, and state and local government; i.e., credit fluctuations, money supply, changes in marketing and distribution conditions, international negotiations, and climatic extremes. From the earliest territorial period to the present, the fundamental decisions affecting Montana development have been made in Washington and Wall Street. The pattern has been one of alternate boom and bust.

The population of 748,000 approximates that of metropolitan Denver. There is some aggregation of people in widely scattered small cities, each of which serves a huge trade area. There is no "down-state" region which feeds into a single (or double) metropolitan concentration, as is the case in other western states. About 53% of the population is "urban" by Bureau of Census definition (i.e., living in communities of 2500 or more), but on the average the density is only about five people (or one family) per square mile. Seven Indian reservations are scattered through the state, each of which has a separate jurisdictional background. Each is entitled to state and local services, although reciprocal tax obligation is absent. The impact of Indian poverty and jurisdictional complexity is statewide. High crime and high caseload areas are found, with one exception, in counties that contain population concentrations or that border on Indian reservations, or both.

Resources and Capabilities

Great distances, a small tax base, sparse population, jurisdictional difficulties, and little control of critical decision-making work with transient crises and changes to create priorities in public spending that are likely to differ from those arising in other contexts. For example, the provision of adequate roads and schools historically absorbs more than half (often up to 75%) of the state and local tax dollar, leaving the remainder to be divided among all other mandated or desirable governmental services. Usually, this means that the resources needed to provide essential services are spread very thin, both in time and in space. This has been the case in the criminal justice system generally and in the courts area in particular.

Geographic and climatic conditions, added to the fact that Montana is the slowest-growing state in terms of population and gross product, indicate that there will not be a significant increase in available resources in the next decade. The popularity of federal "seed money" is limited by the realization that there is not sufficient flexibility in state and local budgets to meet expectations or continue services that may be granted by demonstration projects. Growth in one area means that the resources available for other services must be diminished or that costs must be transferred to or shared by another level or unit of government.

One approach to improved utilization of available resources is underway through "local government review." Local governments have long operated in isolation, with broad municipal responsibilities but with little delegated municipal authority or access to resources. As required by the 1972 Constitution, local government structure and operation is now under electoral review in Montana. Proposals for modification will be submitted to local voters during 1976. Permissible forms include charters, consolidations, almost every conceivable form of management structure, and combinations of all of these. Neither the number of political subdivisions nor their form will be known until about mid-November. Draft legislation, to be presented to the 1977 biennial Legislature, will accommodate the new flexibility and authority of local governments and will seek to transfer many traditionally local costs to the state. The configuration that will represent Montana government a year hence is unpredictable. This means that although current information about the operation of localities is sparse, the little available will be of small value as a data base for extrapolations or projections of systems functions.

Local government review generated some planning capability for criminal justice systems at local and state levels. However, this effort will end at the close of the 1977 legislative session, to be revived by constitutional mandate in 1985-1986, or by local option after three years.

Another approach to making best use of available resources is the initiation of "zero base budgeting" on the Georgia pattern. A handful of agencies, including the SPA, are engaged experimentally in this process under the direction of the Governor's Office of Budget and Planning, as recommended by the 1975 Legislature. If successful in achieving meaningful legislative review of executive branch operation, presumably this planning model will be extended to encompass a larger segment of state administrative and planning functions.

Neither of these efforts, however, related directly to planning capabilities for the judiciary, prosecution, or defense. As noted in section B3 on resources and capabilities for the operation of the judicial branch, the institution of courts administration has increased the potential of the judiciary to plan and implement programs to upgrade resources and skills and to utilize them in a cost-effective way. At present, no such statewide potential exists for prosecution or defense. Two local prosecutors' offices and two defender groups appear to be interested in developing independent planning capabilities. These agencies are located in the higher population/high crime areas where coordinated inter-disciplinary planning has been undertaken in connection with crime attack teams, funded by the SPA.

Relationship of Resources and Capabilities to System Performance

Courts

The data tabulated in preceding sections shows significant disparities at the trial court level in judicial workloads and in the distribution of resources among the district courts. Any definition of judicial workload is likely to be highly subjective, but it includes at least the following factors: (1) number of cases to be adjudicated; (2) number of proceedings and procedures required in certain kinds of cases; (3) number of contested proceedings (requiring either a bench trial or a jury trial); (4) distance to be traveled to cover the assigned circuit; and (5) the relative scarcity or abundance of resources for administrative, research, and social service support of the court. Caseloads have risen over the last decade, but not dramatically. Disparities in caseload among districts and counties have widened. Numbers of required procedures have unquestionably increased. Intra-district distances are unchanged. Except in a few instances, no additional resources have been extended to courts. Courts with the heaviest caseloads are likely to be responsible for the districts that are the largest both in population and in geographical area. They are also more likely to have a pool of local resources from which to draw.

Disparities in caseload, required travel, and available resources have not resulted in major delays or backlogs. The reason that delay or backlog is not severe is probably that some judges have overcome shortages and handicaps, not only in adjudications, but also in social service and the performance of administrative detail.

Criminal cases constitute about 10% to 15% of the average annual trial court docket. Disposition of these cases is relatively speedy, measured against national statistics and standards (see Table C-1), probably because few go to trial. Most are disposed of on pleas of guilty (77.5%) or by dismissal (17.3%). Only 5.2% of the informations or criminal complaints filed in district court went to trial in 1975. Fewer than half of offenders found guilty of a felony were sentenced to confinement. Deferred imposition of sentence upon the performance of specified conditions is a popular sentencing alternative among Montana judges, accounting for 54.2% of all dispositions in district courts in 1975. Deferral of sentencing is mandatory for all first-time drug offenders. No evaluation of the statewide effectiveness of deferral sentences has been made. The court has broad discretion in enumerating the conditions that must be fulfilled by an offender under a deferred imposition of sentence in order for the record of conviction to be expunged. In about one out of 15 cases where imposition of sentence was deferred in 1975, a condition of deferral was confinement in a local jail or the state prison. Centers for alcohol or drug abuse treatment, for mental health, and for manpower training and job assistance tend to be located in the major population areas. Probation officers and correctional institutions tend to be overloaded. Although Montana law provides broad sentencing options in theory, often a judge is faced with the practical alternatives of incarceration or minimally supervised release.

The deficiencies in the administration of justice by trial courts lie in the areas of need for adequate administrative, evaluative, research and in-service training services and for available social services for court referral. These deficiencies are not yet critical (judges have spread themselves very thin to cover essentials), but they are clearly growing, and, if not addressed, will reach unacceptable proportions in the next few months or years.

In the lower courts, it is apparent from surveys that the judges frequently feel they are inadequately trained and not supplied with essential resources. Average education for justices of the peace is a high school diploma. Relevant experience is usually gained on the bench. Apart from the subjective surveys, information on the operation of the lower courts is entirely absent, making it impossible to identify specific gaps in performance. Initial problems to be met are those of providing adequate in-service training and the initiation of a uniform record-keeping and reporting system for the lower courts.

Table C-1

Time of Disposition of Criminal Cases
in District Courts in 1975

Attention was given to the time elapsed between arraignment or first appearance and disposition of the case. Time required was aggregated separately for guilty and not guilty pleas. Elapsed times were recorded in the following nine classes:

Class #	Processing Time
I	Less than 1 month
II	At least 1 month, but less than 2
III	At least 2 months, but less than 3
IV	At least 3 months, but less than 4
V	At least 4 months, but less than 5
VI	At least 5 months, but less than 6
VII	At least 6 months, but less than 1yr.
VIII	1 year or more
IX	No time element recorded

Class #	Guilty Pleas		Not Guilty Pleas		Totals	
	#	%	#	%	#	%
I	552	52.6	85	30.7	637	48.0
II	182	17.4	52	18.8	234	17.6
III	72	6.9	23	8.3	95	7.2
IV	79	7.5	26	9.4	105	7.9
V	38	3.6	17	6.1	55	4.2
VI	31	3.0	10	3.6	41	3.1
VII	40	3.8	33	11.9	73	5.5
VIII	12	1.1	4	1.4	16	1.2
IX	43	4.1	27	9.8	70	5.3
	1049	100.0	277	100.0	1326	100.0

Prosecution and Defense

The limited information available indicates that, as might be expected, accessibility to resources and capabilities varies widely on an urban/rural basis for both prosecution and defense, as it does throughout the Montana criminal justice system. Also, more total resources of state and local governments are committed to the operations of city and county attorneys than to the defense of the indigent accused. In part, this reflects a funding response to the additional civil and regulatory functions with which the offices of county and city attorneys are charged: in part it reflects community priorities.

Generally, full-time prosecutors in the major population areas seem to be reasonably well-supplied with essential funds, staff, and support services. Part-time prosecutors in rural areas usually have fewer resources that may be tapped if major crime occurs in those counties. However, in unusual circumstances (i.e., the occurrence of an extraordinarily complex case, unavailability of the local prosecutor, etc.), the Attorney General's office may be called on for assistance, or a special prosecutor may be named by the local county attorney. Minimum compensation for prosecutors is established by statute or by ordinance. In-state and out-of-state training has been made available to all county attorneys and their deputies by the state and by grants from the SPA. More than half have attended one or more sessions. At least two county attorneys offices employ full-time investigators. Others express a need for access to the services of an investigator, in addition to the investigative functions of the local law enforcement agencies and to the investigative arm of the Department of Justice.

No system performance information has been gathered at the prosecutorial level. Reporting systems currently operational cover arrests and the number of felony informations filed in district court. This hiatus in information creates an apparent gap between performance capabilities of the criminal justice system and the Montana crime problem. For example, of all those arrested in 1975 for the commission of one or more of the seven major felonies, only 16.5% came to the courts. Juveniles accounted for 26.5% of the arrests: all were removed to youth court or otherwise diverted from the adult justice system. The remainder, or 56.7% presumably were not prosecuted. There can be many reasons for the exercise of traditional prosecutorial discretion not to charge or to reduce charges in number or degree. No statewide assessment of the size of the prosecutorial gap can be made until a system for information gathering and analysis is developed and implemented for county attorneys.

The same pattern of rural/urban variation in resources and capabilities probably applies to counsel for indigent criminal defendants, but it is much less visible because of the statewide absence or inadequacy of resources available to defenders or appointed defense counsel.

The turnover rate among part-time public defenders is high. Probably most stay in the position only a year or two. Defenders and assigned defense counsel have had small opportunity for in-service training. Support services, if any, are usually gleaned from the firm or office which houses the private practice of the defender or appointed counsel. Two defender offices are able to employ a secretary whose duties are limited to defense-related work. Ordinarily, public defenders are expected to provide representation in all the cases (such as mental commitments, non-support, etc.) where an action may be initiated by a prosecutor and where a defendant is indigent. The limited information on system performance tells nothing about the performance of attorneys defending the indigent accused. The number of indigent persons arrested for the commission of felonies is unknown, not to mention the number of indigent misdemeanants. Defenders consider their level of performance to be low because (1) early representation is ordinarily impossible when the indigency determination must be made by the district judge; (2) case overload often prevents giving adequate attention and preparation to individual cases; and (3) supportive resources, such as investigators and funds for laboratory tests and expert witnesses are frequently non-existent.

The degree to which constitutional right to counsel is implemented in Montana is a matter of conjecture. Certainly, the defenders feel that most criminally accused are denied effective assistance of counsel. In terms of the quality of justice available in Montana courts in criminal cases, the largest problem is clearly in the area of provision of adequate defense services to the indigent accused.

COURTS, PROSECUTION, AND DEFENSE

MANPOWER - GOALS

1. Adequate support services for judges, prosecutors, and defenders

2. Transfer of technology and planning capabilities to operating agencies, including, but not limited to, courts, prosecution, defense and school of law

MANPOWER - OBJECTIVES

1. For state and local governments:

   To provide adequate support services to 28 trial court judges in the areas of clerical, secretarial, and legal research assistance by July 1, 1977

   To increase the compensation of 28 trial court judges to an adequate level by July 1, 1977

2. For action programs:

To establish, by July 1, 1979, a full administrative capability for all Montana courts, with full-time personnel equivalents not to exceed 55

To establish, by July 1, 1979, an adequate planning capability within the judicial branch, at a cost not to exceed $50,000 annually

To continue to provide, with diminishing funding, the services of law interns to 20 to 30 judges, prosecutors, and defenders through fiscal 1978

To initiate a planning capability for a defender organization by October 15, 1976, and to establish a statewide defender system by July 1, 1977

Expected funding levels: See the multi-year budget at the front of this section

Results expected and their relationship to goals: Additional administrative and planning capabilities will be developed within the judicial branch, some needed support services will be made available, and a statewide defender system (with a built-in planning capability) will be established.

MANPOWER - STANDARDS

For related standards, refer to the Montana Justice Project Courts report, standards 4.1 through 4.5, 8.1A through 8.2B, 9.1 through 9.5, 11.1 through 11.4, 12.1 through 12.5, 1.1 through 1.2, 11.5 through 11.7, and Chapter XV.

Limitations on achievement ability are need for technical assistance, need for specialized manpower, and political feasibility of implementation.

MANPOWER - PRIORITIES

The following treatment of priorities applies not only to manpower but to the other functional areas as well.

Means of establishing priorities:

Priorities for implementation of standards, goals, and objectives in the areas of courts, prosecution, and defense are decided upon by considering the following factors, which are listed in a rough order of weight to be attributed to each:

1. Degree of demonstrated need or problem
2. Degree to which the most relevant standard, goal, or objective addresses the demonstrated need and may be measured against operating standards

3. Alternatives available
4. Cost-effectiveness or cost-benefit ratio (if calculable)
5. Feasibility/constraints - may be political, financial, state of the art, need for specialized manpower, etc.
6. Planning and priorities of other organizations or agencies seeking to address similar goals, standards, or objectives (especially any areas of interface)
7. Beneficial side-effects, if any
8. Detrimental impacts on other elements of the criminal justice system or on other governmental systems
9. Degree to which implementation may be quantitatively evaluated
10. Degree of enhancement of planning capability in one or more operating agencies

Priority ranking of goals, standards, and objectives

Standards, goals, and objectives are ranked in functional categories according to their priority.

MANPOWER - MULTI-YEAR FORECAST; STATE/LOCAL DATA; QUANTIFICATION

1. Methods of acquiring data on state and local programs:

   Expenditure data is derived from the reports of county clerks to the Department of Community Affairs, from the Governor's Office of Budget and Program Planning, from the U.S. Statistical Abstract, and from Expenditure and Employment Data published by LEAA.

   Program data is acquired from the Office of the State Court Administrator and from reports of Supreme Court Commissions.

2. State and local allocations of other resources: Refer to general problem analysis on courts, prosecution, and defense.

3. Results expected and their relationship to goals: Law clerks and secretaries will be provided to some trial court judges. A legal research center to supply research assistance to judges (as well as prosecutors and defenders) will be established at the School of Law. The salaries of trial court judges will be increased. These are steps toward achievement of goals.

4. Relationship to block grants: The action grant for court administration will supply additional support services to judges. The grant for law interns will provide summer support services in research and court administration to three or four judges. A discretionary grant from LEAA will initiate the operation of a legal information center at the law school. State and local governments have not addressed directly the need for support services for prosecutors and defenders nor establishment of planning capabilities in the operating agencies.

Manpower - Multi-Year Budget

At present the multi-year budget shows three action programs aimed at manpower needs relative to courts, prosecution, and defense: A-10, A-21, and A-22.

COURTS, PROSECUTION, AND DEFENSE

TRAINING - GOAL

Improvement of the quality of justice in all Montana courts by upgrading trial and management skills and by supplying assistance in in-service education in current substantive and procedural criminal and juvenile law to all judges, prosecutors, defenders, and support personnel

TRAINING - OBJECTIVES

1. For state and local governments:

   To require continuing in-state education for all judges in substantive and procedural law and in trial and management skills

   To provide an opportunity for in-state, in-service training for prosecutors and their staffs

2. For action programs:

   To continue and expand opportunities for in-state, in-service training for 100 prosecutors and support personnel by 1979, and to reduce out-of-state training needs of 20 prosecutors by 1978

   To continue and expand opportunities for in-state, in-service training for 30 defenders and/or counsel assigned to indigent defense and support personnel--to provide expanded opportunities through July 1, 1979

TRAINING - STANDARDS

Refer to Montana Justice Project's Courts report, Standards 714, 11.3, and 12.6.

Limitations on ability to achieve: high cost and need for manpower to develop and manage in-state, in-service training programs

TRAINING - PRIORITIES

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Training - Multi-Year Forecast: State/Local Data: Quantification

1. Methods of acquiring data on state and local programs: Information on the development of programs for judicial education and training is acquired from the Office of the State Court Administrator and from the Legislative Council interim Sub-committee on the Judiciary. Data on prosecutorial in-service training is available from the County Attorney Training Coordinator and from the Montana League of Cities and Towns.

2. State and local allocations of other resources: Refer to general problem analysis on courts, prosecution, and defense.

3. Results expected and their relationship to goals: A full, balanced program for judicial education and training will be implemented by 1979. The partial program for prosecutorial training will be continued.

   These programs will achieve part of the goal. State and local governments have not considered the need for training support personnel or defenders. A full program for training prosecutors has not yet been proposed. Combined state and SPA programs will produce and implement a full, balanced program for judicial education and training by 1979. Opportunities will be available for all prosecutors and staffs to attend one or more in-state training sessions a year. Planning and start-up for defense in-service, in-state training will be completed. Programs should achieve goal by 1979, except, perhaps, that more will need to be done to achieve institutionalization of in-service training for defense attorneys.

4. Relationship to block grants: The action grants for in-service training for judges, prosecutors, defenders and support personnel provide start-up funding as a basis for planning and development of full education and training programs.

Training - Multi-Year Budget

Refer to the multi-year budget at the front of this section, specifically to programs in the Training (B) category.

Education

Not applicable to courts, prosecution, and defense at this time. For education-related programs, see categories for training, equipment, services, and information systems.

Equipment - Goal

Improvement of the quality of justice locally or statewide by providing guides, procedural outlines, and/or instructional audio-visual materials to criminal justice agencies and personnel who deliver courts-related services

Equipment - Objectives

1. For state and local governments:

   To date, governmental agencies have not addressed the needs or problems in this area. Professional and occupational organizations of criminal justice system personnel sometimes produce checklists when chaos threatens and wish aloud for something more.

2. For action programs:

   To develop and/or supply as appropriate by September, 1977, the following materials to the following elements of the criminal justice system:

   a. Up to 50 copies of criminal laws and procedures for corrections personnel for use in hearings and for general purposes;

   b. Not to exceed 20 selected audio-visual materials relating to criminal law, procedures, and techniques to central repositories for re-distribution to groups and individuals with court-related activities in the criminal justice system; and

   c. Approximately 2,000 to 2,500 copies of a handbook to contain youth court procedural guidelines to be produced for the use of criminal justice practitioners, including, but not limited to, probation officers, law enforcement personnel, judges, county attorneys, defenders, corrections personnel, and the state bar.

Equipment - Standards

Refer to Montana Justice Project's Courts report, Standards 1.1 through 2.2, 9.1 through 9.5, 11.1, 11.5, and 12.1 through 12.5.

Limitations on ability to achieve: lack of procedures to determine priorities of need.

Equipment - Priorities

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Equipment - Multi-Year Forecast

Results expected and their relationship to goal: No evaluation techniques have been perfected to measure the quality of justice, but it is to be expected that the programmed materials and others to be considered as the need is perceived will improve the effectiveness and efficiency of the criminal justice system and eventually improve the public perception of the quality of justice. The relationship to the goal is direct, but currently unmeasurable. The program will result in partial goal achievement.

Equipment - Multi-Year Budget

Refer to the multi-year budget, to program D-4.

Facilities - Goal

Improvement of the effectiveness and efficiency of the courts-related activities of the criminal justice system by upgrading court facilities for the convenience and comfort of jurors, witnesses, practitioners, and public and by providing modification of facilities as needed to expedite caseload management

Facilities - Objectives

1. For state and local governments:

   To provide minimally adequate facilities for courtrooms, chambers, clerks of court, and court activity areas by 1990

2. For action programs:

   To increase the usefulness and use of the state law library by October 1, 1977, by minor remodeling to utilize the existing area to gain additional storage and work space

   To acquire needed fixtures and facilities to improve access to legal materials, privacy, and convenience for judges and members of the practicing bar

   To initiate in 1978 and 1979 three demonstration projects in courts facilities in appellate, trial and/or lower courts. Projects will be selected upon consideration of priorities, needs, and feasibility revealed by a statewide inventory of courts facilities, equipment, and personnel.

Facilities - Standards

Refer to Montana Justice Project's Courts report, standards 9.4, 10.1, and 10.3.

Limitations on ability to achieve: need for technical assistance to make needs assessment and to establish standards and priorities, high cost, low political feasibility.

Facilities - Priorities

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Facilities - Multi-Year Forecast, State/Local Data: Quantification

1. Methods of acquiring data on state and local programs:

   Program and expenditure data is derived from the reports of County Clerks to the Department of Community Affairs. Information about the state building program may be acquired from the Department of Administration and from the Montana Judges' Association through the Office of the State Court Administrator.

2. Results expected and their relationship to goals:

   Programs to improve courts facilities by construction, remodeling, rearrangement, or replacement have a low priority at state and local levels. Perhaps as many as half a dozen counties or other units of local government will complete or initiate some courts renovation by 1978. Few, if any, will be designed to improve workflow, comfort or convenience. The relationship to goal will be small.

   In the short term, the effectiveness and efficiency of judges and attorneys within the criminal justice system should be improved slightly by increasing the usefulness and use of the state law library. Annual man-hour use should double within a year of completion of the project. In the longer range, the demonstration projects will raise the priorities for courts facilities improvements established by state and local governments. Relationship to the goal is that the programs represent encouragement to state and local governments to adopt such a goal as a high priority for funding.

3. Relationship to block grants:

   The action grant for court facilities improvement is designed to provide for minor remodeling of the state law library operated by the supreme court. At the same time, a statewide inventory of courts facilities, equipment, and personnel will be undertaken in 1977. Priorities will be established and demonstration projects will be initiated for improvement of facilities of appellate, trial and/or lower courts in the two succeeding years. A discretionary grant from LEAA will establish a legal information center at the law school, which, to a degree, will reduce the necessity for upgrading the county law libraries associated with the functioning of district courts.

Facilities - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

Workloads and Operating Standards

Not applicable to courts, prosecution, and defense at this time. For workload-related programs, see the manpower category. For programs related to operating standards, see categories for training, equipment, and information systems.

Services - Goal

Law-related education in the public schools

Services - Objectives

1. For state and local governments:

   To establish by 1978 a uniform law-related course or curriculum available to Montana public schools

2. For action programs:

   To encourage the development of a law-related course to be taught in Montana public schools by bringing together the necessary decision-makers, supplying relevant materials, and providing for communication and dissemination of information about the possibilities and potentialities of law-related course development

Services - Standards

Refer to Montana Justice project's Community Crime Prevention report, standards 3.2 and 3.4.

Limitations on ability to achieve: fragmentation of effort among interested persons and agencies

Services - Priorities

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Services - Multi-Year Forecast, State/Local Data; Quantification

1. Methods of acquiring data on state and local programs:

   One local program is presently in operation and is willing to supply data on request. Otherwise, data on planning for law-related education in the public schools may be acquired from the Office of Superintendent of Public Instruction and the State Bar.

2. Results expected and their relationship to goals:

A standardized course or program in law-related education for Montana public schools will be selected and plans will be made for implementation. Such a result is an initial step toward achievement of the goal.

Cooperative arrangements will be made between the interested agencies and persons. A standardized program or course will be chosen (for example, the one developed by the committee on Youth Education for Citizenship of the American Bar Association). In the long range, a curriculum will be established, at first as an option, later as a required course. Such instruction on a regularized basis should reduce the annual juvenile crime rate by at least 10% over a five-year period. The goal will be achieved.

3. Relationship to block grants:

An action grant for law-related education in the public schools is designed to assist in working out necessary cooperation among the state education agency, the local schools, and the state bar in order to allow selection of a single approach to the development of such a curriculum. The grant will also allow for some purchase of necessary materials, communication, and dissemination of information about the possibilities and potential of law-related course development and institutionalization.

SERVICES - MULTI-YEAR BUDGET

Refer to program H-5 in the multi-year budget at the front of this section.

Information Systems - Goals

A system of uniform recordkeeping and reporting on caseload management in courts

Statewide uniform crime charging standards and a system of uniform recordkeeping and reporting on caseload management by prosecutors

Information Systems - Objectives

1. For state and local governments:

   To develop a statewide, integrated, and comprehensive judicial information system by 1979 (Governmental entities, except the SPA and Montana Justice Project, have not yet considered the need for information systems for prosecutors.)

2. For action programs:

   To establish, by July 1, 1978,a full administrative capability for all Montana courts, to include statistical and systems analysis based on a system of uniform recordkeeping and reporting on caseload management

   To assist in the development of a prosecutors' information system by July 1, 1979, by funding a planning capability for prosecutors and the transfer of currently available technology and projects

Information Systems - Standards

Refer to Montana Justice Project's Courts report, standards 9.4, 11.1, 11.5 and 11.7,and to Information Systems report, standards 1.3, 1.7, 3.4, 3.5, and 3.6. See also standards referred to in Manpower section.

Limitations on ability to achieve: manpower with specialized knowledge and skills, low political feasibility, especially in lower courts.

Information Systems - Priorities

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Information Systems-Multi-Year Forecast: State/Local Data: Quantification

Methods of acquiring data on state and local programs:

A judicial reporting system at the trial court level has been initiated by the Office of the Court Administrator. The SPA collects reports on the disposition of criminal cases in district courts.

The Supreme Court Commission on Lower Courts has initiated uniform recordkeeping for justice courts. Current plans for development of a judicial information system points to case-by-case information collection. Statutory collection points for prosecutorial data are the Attorney General and the County Attorney Coordinator in the Department of Justice.

Results expected and their relationship to goals:

Additional planning and information collection and analysis capabilities will be developed within the judicial branch and will be instituted within the Department of Justice or prosecutors' organizations, or both. The first goal will be achieved. The second will be partly accomplished.

A system of uniform recordkeeping and reporting on caseload management in district courts will be fully operational by 1979. Similar results may be expected in lower courts by 1981, representing full achievement of the goal in the judicial branch.

Relationship to block grants:

The action grant for court administration (referred to in the Manpower section) will provide a systems analysis capability in the judicial branch. In addition, part of one information systems program will assist the formation of a judicial information system by providing funds for development and distribution of a manual for uniform recordkeeping for clerks of court.

Information Systems - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

JUVENILE JUSTICE

MANPOWER - PROBLEMS AND NEEDS

Historically, juvenile justice personnel in Montana have been overworked. Youth Court personnel have been faced with duties that range from law enforcement to adjudication and counseling. The caseloads have been exceedingly large and the geography of jurisdictional areas is still unmanageable. The enactment of the Montana Youth Court Act in 1974 was expected to alleviate some of the manpower problems by delineating the responsibilities of the probation officer. The Act was intended to relieve the youth court of law enforcement and prosecutorial functions that drain manpower and confuse the role of the probation officer.

The Act has been successful in eliminating the law enforcement function of the youth court, but it is still burdoned with prosecutorial functions. This problem seems to be more of an attitudinal and manpower problem in the county attorneys' offices than a legal problem. Many probation offices are still preparing legal documents and even presenting the prosecution's case in court even though these responsibilities are clearly those of the county attorneys. The increased amount of legal work required by the Youth Court Act has compounded this problem drastically. Because of the nature of this problem it is difficult to quantify. It has been said that the peperwork required by the Youth Act has increased the time spent in this area five-fold.

Another major manpower problem currently experienced in the juvenile justice system relates to intake and detention, which is discussed at more length in the facilities section of Juvenile Justice. A comprehensive study of Detention and Shelter Care indicated that many of the state's detention problems are directly related to manpower problems. Because Youth Courts are not able to provide 24-hour services, many youths are held in jail until the next day when probation personnel are available. This causes a high rate of detention and actually increases the amount of paperwork required to process a case. The need for 24-hour intake personnel is not easily addressed in view of the sparsely populated rural areas. However, there are other alternatives such as contracting for services, or hiring part-time personnel.

Basically, the solutions to these manpower problems rest on the availability of funds. Since the bulk of the juvenile justice system is financed by county government, one must look at the prospect of increased county spending. At the present time, county governments are having difficulty meeting the fiscal needs of natural growth within their agencies, and are not particularly interested in assuming large new programs. Realistically the state

of Montana must assume some of the financial burden of the Youth Courts if the courts are to meet their responsibilities. In 1975, counties paid over three quarters of a million dollars to support Youth Court services. There are several groups preparing legislation for the 1977 Legislature calling for state funds to support this area. This appears to be necessary in order to develop a long-term solution to this problem.

Manpower - Goal

To provide adequate manpower to all aspects of the juvenile justice system in order to ensure the proper handling of youth

Manpower - Objectives

A. To provide additional probation personnel to youth courts to reduce caseloads to a level not greater than 50

B. To provide additional personnel to county attorneys for processing youth within the Youth Court

C. To provide manpower to law enforcement agencies adequate to staff a youth division in each law enforcement agency in Montana

D. To establish 24-hour intake services in each of Montana's 18 judicial districts by providing additional manpower

E. To establish the position of Youth Court Administrator within the administrative arm of the Montana Supreme Court

F. To establish a mechanism for support Youth Court personnel with state funds

Manpower - Standards

Standards relating to this project include: Police 8.1, and Corrections 3.3 (Montana Justice Project).

Manpower - Priorities

Priorities for improving the manpower situation within Montana's juvenile justice system can be addressed from the standpoint of the ideal or from reality. Ideally, the priority for manpower development would be to establish the mechanism for state fund financing of Youth Court operations. This would provide the basic framework for future manpower enhancement and would provide the stability needed to maintain a proper system. However, this item has just started receiving the kind of support and attention needed to become a reality. Within the next few years

the issue of state-funded Youth Courts will be decided. The factors that will affect that decision have not been clearly identified, and any attempted prognosis would be purely speculative. The 1977 Legislature will have ample opportunity to address the issue and much will be learned from that session.

In view of that, Montana's immediate priorities will be placed on increasing the level of manpower available to Youth Courts. This will also include support for 24-hour intake personnel.

The next priority item would be the establishment of administrative positions within the state Supreme Court. This will provide the initial steps toward state financing and appears to be a realistic possibility within the near future.

Manpower - Three-Year Forecast

Support for juvenile probation manpower is expected to continue. Further clarification and delineation of the precise functions of probation officers should help to further free them from duties which are not in their area of responsibility. This in turn would result in more efficient use of manpower, which should help to alleviate some problems such as lack of 24-hour services, given that local budgetary constraints will still be present.

Manpower - Three-Year Budget

Refer to the multi-year budget at the front of this section, specifically to program A-3.

JUVENILE JUSTICE

TRAINING - PROBLEMS AND NEEDS

Training is the most overlooked and underestimated component of virtually any organization. Certainly, Montana's juvenile justice system is no exception. Many of the problems discussed throughout this plan could be reduced, if not eliminated, if proper training were available. However, the problems of identifying and providing appropriate training sometimes seem as insurmountable as the very problems they must address.

The lack of a unified juvenile justice system provides an initial problem for planning training programs. Montana's juvenile justice system comprises many small agencies. Each of these agencies has problems generally common to other agencies, but is at the same time specifically unique. This situation makes consensus on training needs and priorities difficult to obtain. This would not be a problem if the agencies were large enough to justify their own training programs, but such is not the case. The largest juvenile justice office (except institutions) consists of six professional people. It is obvious from this that Montana must develop a training program which is capable of serving the needs of several agencies.

Over the past several years, the Montana Probation Officers' Association has attempted to accomplish this within Montana's 18 Youth Courts. This effort was accomplished through a series of meetings involving various personnel throughout the state in an effort to arrive at a consensus as far as training needs were concerned.

This effort has been a major accomplishment in providing training to youth court personnel, but fails to address the needs of law enforcement and Department of Institutions employees. The Department of Institutions has recently established a training division that serves the juvenile institutions and Aftercare. This has been a major accomplishment within that agency, but once again fails to take into consideration the needs of other segments of the system.

An overview of training for Montana's juvenile justice system recognizes that the training needs of personnel within disciplines (law enforcement, courts, corrections) are being met on a minimal level. However, it is obvious that greater benefits could be obtained if these resources were combined and the problem addressed on a broader level.

Even if the juvenile justice system could unite itself to develop a comprehensive training program, several problems still exist. The first of these is geography. The expense and time involved in bringing personnel together restricts the type of training that can be offered. The second problem is the fact that

many of these persons operate essentially one-man offices, meaning that the offices must be virtually closed when staff is gone for a training session. A reasonable time out of the office is permissible but travel to a central location often doubles or triples the amount of time required for the training.

Needless to say, these problems could be reduced by conducting regional or even area-wide training sessions. The consolidation of existing training programs would certainly enhance the possibility of regional training. Of course, there will always be highly specialized training that must be conducted for a statewide group because it applies only to a small segment of the system.

This section has dealt with training on a broad structural level rather than specific training needs. It is the feeling of SPA juvenile planners that training needs are best determined by the participants and they should provide a vehicle that will enable juvenile justice system personnel to obtain pertinent training. Groups that should be involved in this training include personnel of probation, Aftercare, juvenile institutions, and group care facilities. Foster parents, law enforcement juvenile officers, judges, and prosecutors should also be involved.

Training - Goal

To provide juvenile justice personnel access to 40 hours of training annually, which would raise their level of performance.

Training - Objectives

1. To provide 200 hours of training annually to juvenile probation personnel in Montana

2. To establish a 24-hour training session for law enforcement juvenile officers to be conducted at MLEA

3. To establish a training division in the Department of Institutions that will provide training for juvenile justice personnel

4. To establish a permanent training program for youth court personnel in the Supreme Court

5. To develop a plan for providing training to all of Montana's juvenile justice system personnel in a coordinated manner

Training - Standards

Standards which apply to this section include Montana Justice Project's Courts report standard 7.4.

Training - Priorities

Since most juvenile justice personnel in Montana have access to at least minimum training, the priorities for this section will be placed on maintaining established training programs with an emphasis on developing a coordinated approach to reducing the amount of duplication among and increasing the effectiveness of training programs.

The next priority is to develop a continuing session for law enforcement juvenile officers conducted at MLEA. In addition to this, full-time juvenile officers will continue to be sent to the Delinquency Control Institute at the University of Southern California.

Training - Multi-Year Forecast

The multi-year forecast for activities in this area includes the establishment and/or maintenance of training programs in all aspects of the juvenile justice system. This includes the continued support of the Department of Institutions and Montana Probation Officers training for at least one more year. This program can expect to receive additional funding in future years to improve its basic programs.

It is anticipated that funds will be requested to support a juvenile justice seminar for law enforcement officers at MLEA.

The Montana Supreme Court is expected to sponsor another seminar on juvenile justice. This seminar will be directed at those persons working directly with the juvenile justice system.

The SPA will cooperate with the state Commission of Higher Education to develop a plan for training personnel in Montana. This plan will also inventory resources currently available and report on the most effective use of those resources.

Training - Multi-Year Budget

Refer to the "Training" category of the multi-year budget at the front of this section.

JUVENILE JUSTICE

EDUCATION - PROBLEMS AND NEEDS

Education is the bench mark used to determine the qualifications of a prospective employee. Although there are obvious faults in that statement, it remains for the most part a reality. Trying to relate education to a system as broad as the juvenile justice system is extremely difficult. Many positions could best be filled by persons with extensive practical experience combined with pertinent training. Other positions require highly educated professionals.

Most juvenile justice positions in Montana have minimum educational requirements that must be met. The Youth Court Act of 1974 set specific qualifications for Youth Court personnel. As of this date, 37 of the 54 probation officers have at least a bachelor's degree. The Department of Institutions has adopted minimum qualifications that must be met for persons working in youth corrections agencies. The POST Council has set minimum qualifications for all law enforcement officers. The employees of private agencies, such as group care facilities, are the only persons not covered by such rules.

The problem of undereducated personnel in Montana's system is not significant. A greater problem is seen in the need for continuing education. Because the attrition rate for personnel is very low, it is not unusual to see personnel whose formal education has become obsolete in the rapidly changing field of juvenile justice. These people need an opportunity to pursue higher education in order to be families with new developments in the field and gain a fresh perspective on their jobs. If done correctly, education will encourage creative thinking and generate enthusiasm for jobs that have become routine.

Another critical area is public education. An informal public can be one of the greatest assets of the juvenile justice system. Most citizens are concerned about the general area of youth, and will take interest in their problems if they understand. The juvenile justice system is cloaked in secrecy, which is required by the nature of the proceedings. While this practice may be beneficial to the youth it serves, it also creates a great deal of misunderstanding as to the practices and policies of the system. Practitioners must make an extra effort to inform the public of their activities. Juvenile justice personnel can also provide valuable information to the public regarding the problems of youth in a community. The benefits of this effort are realized when the public is asked to accept new programs being implemented by the system, and in the competition for funding.

There is a great need to establish a vehicle in each office to communicate with the public. Many offices already do a lot of work in this area. A survey conducted two years ago revealed the probation officers speak to an average of 100 people each month. This practice should be encouraged and juvenile justice agencies must be given assistance in developing this area.

Education - Goal

That all employees of the juvenile justice system have the minimum qualifications established by law, and have access to continuing education.

That juvenile justice agencies will develop programs to educate the public about the problems of youth and the agencies' activities.

Education - Objectives

1. A program for the continuing education of juvenile justice personnel will be developed through the Commissioner of Higher Education.

2. A sabbatical leave program will be established to encourage juvenile justice personnel to pursue continuing education.

3. Public education programs will be developed in each juvenile justice agency to inform the public about youth problems and the role the juvenile justice system has in these problems.

Education - Standards

The standards relating to this section are: Courts - 7.4 and Corrections 13.6, 13.7 (Montana Justice Project).

Education - Priorities

The highest priority for action in this area should be placed on the development of public education programs. This has the highest potential for return and could play an important role in obtaining the resources to accomplish the other objectives.

The next priority is the development of a continuing education program. This would be a part of the plan discussed in the previous section on training.

The sabbatical program is often viewed as an exclusive fringe benefit and thus receives a low priority. However, the long-term benefits of such a program are significant in terms of staff development and motivation. It also can drastically reduce the rate of attrition. For this reason, the sabbatical program should be pursued, and not forgotten in future funding considerations.

Education - Multi-Year Forecast

It is anticipated that there will be increasing activity in the area of public education over the next three years. This activity may require continued support, and a great deal of work must be done to assure the continuation of such programs at the local level.

The program for continuing education will be planned during the next two years, and implementation may take place in the third year.

A program funding sabbatical leave for juvenile justice personnel is far from the implementation stage. It is not expected to get underway during the three-year period unless it is incorporated in the continuing education program.

Education - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

JUVENILE JUSTICE

EQUIPMENT - PROBLEMS AND NEEDS

The institutions serving delinquent youth are the primary agencies that require equipment as a vital part of their program. Local group care facilities also have equipment needs.

The need for vocational education equipment is constant at the state institutions. The level of vocational training has increased markedly over the past several years with programs in automotive repair, wordworking, keypunch, and other areas. However, there is always a need for more equipment to train students in the latest developments.

Virtually all facilities for youth have difficulty obtaining and justifying recreational equipment. This equipment is necessary for the proper development of youth, and a number of programs in other states have demonstrated positive behavioral changes through the use of recreational programs such as Outward Bound.

Group care facilities are traditionally given little operating money and must obtain basic household furnishings by scrounging or innovating. This usually means the furnishings are of poor quality and do not survive the use of teenagers. All facilities have expressed a need for vehicles to provide basic transportation.

EQUIPMENT - GOAL

That all facilities serving troubled youth have the basic equipment needed to ensure youth development

EQUIPMENT - OBJECTIVE

The three institutions serving delinquent youth will have a varied vocational education program supported by appropriate equipment.

All juvenile justice residential facilities will have adequate recreational equipment for the proper physical, mental, and emotional development of youth.

Group care facilities will have the basic furnishings and equipment of a normal household.

EQUIPMENT - STANDARDS

Standards 10.2 and 10.5 of the Corrections report (Montana Justice Project) are relevant.

Equipment - Priorities

The high priority in this area is placed on increasing the level of vocational training equipment available to juvenile institutions.

The second priority is to provide facilities with the proper recreational equipment.

Equipment - Multi-Year Forecast

Over the next three years the SPA will support the establishment of two new training programs in the Department of Institutions. Swan River Youth Forest Camp will receive priority for such funding.

It is also expected that recreational equipment will be purchased for the development of specialized recreation programs serving delinquent youth.

Multi-Year Budget

Monies within the multi-year budget program of D-1 can be applied to these areas.

JUVENILE JUSTICE

Facilities

The Juvenile Justice Supplement addresses the total operation of facilities. This subject is also addressed in the Detention and Shelter Care Plan, and in the Advanced Techniques section of the Supplement.

Workloads

Not applicable - refer to the manpower section of Juvenile Justice.

Operating Standards - Problems and Needs

A recent survey indicated that fewer than one-third of Montana's Youth Courts have formally adopted operating procedures. Each of the state's 18 judicial districts had different procedures for hiring, budgeting, and general processing of youth. This creates problems for implementing statewide programs involving the juvenile court, and fosters the inconsistent administration of juvenile justice.

In 1974 the Legislature passed a new Youth Court Act which was developed with the SPA staff. This Act took a giant step toward standardizing the Youth Court activities, but there is still a great need for standard procedures.

The Montana Probation Officers' Association has appointed a committee to work on this area, and the SPA will provide staff assistance to this effort.

The standards and goals effort launched by the Montana Justice Project did not make a special effort to study juvenile justice. Budget constraints and the feeling that LEAA would launch a separate program in this area led to this decision. The Montana Justice Project included juvenile justice in its consideration of other standards, but felt a special effort should be made to address the needs of the juvenile justice system.

Operating Standards - Goal

To develop standards for the operation of juvenile justice agencies in Montana

Operating Standards - Objectives

1. The Montana Probation Officers will develop operating procedures to govern the activity of Montana's Youth Courts.

2. The SPA will implement a comprehensive standards and goals project dealing with agencies serving delinquent and pre-delinquent youth.

Operating Standards - Priorities

The first priority in this area is the development of standards and goals relating to juvenile justice. The procedures for Youth Court may very well be a by-product of this activity.

Operating Standards - Standards

Refer to the Montana Justice Project's Corrections report, standards 5.3 and 12.1.

Operating Standards - Multi-Year Forecast

It is assumed that the standards and goals effort will take at least two years to be developed. The initial emphasis for this effort will be focused on the development of broad and general goals. Standards necessary to achieve those goals will be developed subsequently.

The Montana Probation Officers' Association will be working on a procedural manual which whould be ready for distribution some time in 1977.

Operating Standards - Multi-Year Budget

At this time the multi-year budget does not show monies budgeted for this program area.

JUVENILE JUSTICE

SERVICES - PROBLEMS AND NEEDS

Because of budgetary constraints and other problems, juvenile justice system personnel rarely get the opportunity to experiment with new techniques for helping juvenile offenders. Financial support and technical assistance are needed to encourage experimentation with new treatment approaches. This support is often not available from state and local government. Federal funds can encourage the development of new techniques in the field. Recidivism is a particularly difficult and perplexing problem for the juvenile justice system. By supporting innovative programs aimed at reducing recidivism, the intensive counseling subgrants will influence the rest of the juvenile justice system.

Juvenile justice agencies offer a host of special services which are addressed in other sections of this plan. Many other services should be available to the courts and juvenile justice agencies which are presently not available. These services cover the broad areas of education, employment, medical, mental health, and public awareness. A standards and goals effort must be begun in order to document which services should be made available to the juvenile justice agencies.

SERVICES - GOAL

To provide for services within the juvenile justice system that are innovative and replicable and which otherwise could not be supported by existing state and local government. The planned juvenile justice standards and goals effort will help to determine a quality level of service.

SERVICES - OBJECTIVES

1. Intensive counseling programs will be supported to encourage agencies to try new approaches to delinquency.

2. A standards and goals effort must be started to document services necessary to juvenile justice activities.

For support systems and community programs:

1. Education: Programs must be developed in the educational system to serve problem children. These should include attendance officers available to each school district, alternative education programs for youth who cannot function in the normal school setting, lowered age requirements for taking the GED, and expanded availability of vocational-technical training.

2. Employment: Older youths and drop-outs would benefit from union cooperative employment programs and job banks.

3. Medical: The role medical problems play in deviant behavior must be considered. Each community should offer eye care and dental care to all youth, tattoo removal and cosmetic surgery through corrections agencies, medical assistance for drug and sex-related problems.

4. Mental Health: Each mental health region should develop a forensics division.

5. Public Awareness: Community programs must be developed to inform the communities about their youth problems. Youth advocacy programs should be developed to give youth a voice in government and volunteer programs should be developed in all areas of youth services.

SERVICES - PRIORITIES

The main priority in this area is the implementation of a standards and goals effort that will document types and levels of services that must be available to youth courts. This effort will provide the data to adequately address this section.

SERVICES - MULTI-YEAR FORECAST

The SPA will continue to support small projects designed to provide supplemental services to juvenile justice agencies. This effort will continue at about the same level as in the past.

The standards and goals effort discussed in previous sections will provide direction for future efforts in this area.

SERVICES - MULTI-YEAR BUDGET

Refer to the multi-year budget at the front of this section, particularly to program H-2.

JUVENILE JUSTICE

Information Systems - Problems and Needs

On May 24, 1974, the SPA initiated a study of the Juvenile Court Statistics System to determine if it was meeting the information needs of the planning agency and the probation officers. It was generally felt that the following problems existed with the current system:

-Data was received late from the juvenile probation offices.
-The processing time was too slow to provide useful statistical information.

The Juvenile Court Statistics System was originated by the SPA for planning purposes. The system was intended to provide quarterly statistical information regarding juvenile delinquency in Montana.

Input data to the system is being collected from the 18 judicial districts of Montana. The data is processed at the Department of Administration Data Processing Bureau on an IBM 360 computer. Output reports are generated on three-part paper by the system in the following summarized formats:

-state summary statistics by sex
-county summary statistics by sex
-judicial district summary statistics
-judicial district summary statistics by sex

Copy one of the county and judicial district reports is separated and batched by judicial district. The reports are mailed to the respective judicial district probation offices.

The three copies of the state report and the remaining two copies of the county and judicial district reports are maintained by the SPA.

To complete the information on the juvenile statistics forms requires a duplication of effort in the probation offices, since the forms do not serve the needs for caseload procedures. It is impossible for the probation offices to complete many of the forms in time to submit them to the SPA on a quarterly basis. Disposition and sociological information is not always available at the time of reporting, and updating capability is not provided by the system.

The system requires the information to be processed by the date of referral. Late data is never compiled and reported to the probation offices.

Corrections to the information is almost impossible, since a record cannot be easily identified once it becomes automated. Reporting is generated by the system in summary, and any detail control is lost.

There is no capability provided by the system to determine recidivism, since individuals are not distinguishable.

To operate the system, a significant amount of time performing clerical tasks is required of professional and technical personnel. These tasks cause considerable lags in processing the information.

A minimum of nine months is required to generate semi-annual reports. This information is too late to be of use by the probation offices and the SPA as an effective planning tool.

The computer is being utilized to compile and report the data, but not in the important role of editing the data. The current editing procedures, which are performed on an IBM 083 card sorter, are extremely slow, inaccurate, and costly. Too much time is required by the system for clerical and professional personnel at the SPA for sight checking and correcting the data. The data should be computer-edited and returned in detail to the probation offices for correction. The editing procedures result in low quality data.

The system requires excessive courier service which is currently being performed by a systems analyst.

The lack of flexibility in the system to extract data makes it either impossible or impractical to respond to user needs.

The main recommendation evolving from the study was to develop a new information system. It was further recommended that a five-member committee be formed from the Probation Officers' Association to assist the SPA in the development and design of the system.

The tasks to be assigned to the committee would be as follows:

1. Determine information needs of the juvenile probation offices and the SPA regarding identification, referral, disposition, and sociological factors

2. Consider information needs of external agencies

3. Develop uniform forms, which would be acceptable for use in the probation offices, to record data pertaining to identification, referral, disposition, and sociological factors

4. Coordinate with other members of the Association as to the progress and information needs established by the committee

5. Implement the forms in three test sites prior to implementing them statewide in order to determine and modify any weakness

These recommendations were approved by the SPA.

Information Systems - Goal

To develop a juvenile court information system designed to provide management information to youth court personnel.

Information Systems - Objectives

The conceptual design is based on the following objectives:

-To process identification, referral, disposition, and sociological data within two weeks from the date received

-To respond to information needs of the probation offices and the SPA within 30 days of a request

Information Systems - Priorities

Since there is only one activity in this area, the priority is obvious.

Information Systems - Standards

Refer to the Montana Justice Project's Corrections Task Force report, standards 14.1, 14.2, and 14.3.

Information Systems - Multi-Year Forecast

Realistically, Montana will be fortunate to have a fully developed Juvenile Probation Information System by the end of the multi-year period. The basic system has been developed and will be operational by January 1, 1977. The next two years will be devoted to enhancing this system. Because the system has not yet functioned on a statewide level, it is difficult to project the amount of work that will be required to totally implement the system. System enhancement will also include work with other systems being developed such as OBSCIS.

Information Systems - Multi-Year Budget

Refer to the multi-year budget at the front of this section, specifically to program I-5.

CORRECTIONS

Manpower - Problems and Needs

In the field of corrections, as in related fields, the most important single aspect responsible for the success or failure of programs is the quality and quantity of personnel.

Correctional institutions need to provide incentives to retain personnel who have proved themselves to be capable employees.

Yet, the probation and parole authority lacks sufficient manpower to release officers from duty for extensive training.

If correctional programming is to be realistically implemented to meet the needs of the offenders, then corrections in Montana needs to recruit and staff with people from diversified backgrounds and lifestyles. Approximately 25% of the prison population is Indian, which emphasizes the need for more native American representation in corrections personnel.

Ex-offenders, having been involved in correctional programs, have the potential for becoming valuable correctional employees. Properly selected, they could provide an empathy and understanding that no amount of training or education could provide. It is essential that the manpower of the parole authority be increased so that no one individual has neither an overwhelming caseload nor one that is insufficient as a share of the total caseload.

Manpower - Goal

Providing technical assistance to the Corrections Division of the Montana Department of Institutions for the establishment of incentive programs to retain personnel who have proven themselves as capable employees or potentially capable employees in order to effect an impact on inmates' attitudes and rehabilitation

Manpower-Objectives

To provide technical assistance to the Department of Institutions in (but not limited to) the following manpower programs:

-Recruitment of Correctional Staff
-Recruitment from Minority Groups
-Employment of Women
-Employment of Volunteers
-Personnel Practices for Retaining Staff
-Participatory Management
-Coordinated State Plan for Criminal Justice Education
-Intern and Work-Study Programs
-Staff Development

To reduce the caseload of probation/parole field officers to 35 persons or 50 units per officer within a two-year time period. (one person equals one unit and one pre-sentence investigation equals five units)

Manpower-Standards

The manpower programs as described are the national standards set by the National Advisory Commission on Criminal Justice Standards and Goals. (Standards 14.1 through 14.7 and 14.9 through 14.11 of the Corrections task force report) These standards have also been adopted by the Council on Criminal Justice Standards and Goals.

Manpower-Priorities

Although all the selected standards are of utmost importance to the correctional effort, priorities for Montana for 1977 are 1) Recruitment of Correctional Staff, 2) Employment, 3) Staff Development, and 4) Volunteers.

Manpower-Multi-Year Forecast

Continue support for the Corrections Division of the Montana Department of Institutions for staff development programs for all levels of correctional personnel.

Manpower-Multi-Year Budget

Refer to the multi-year budget for action programs in the front of this section. Specific reference is made to Program A-7.

CORRECTIONS

Training - Problems and Needs

The problems confronting any correctional system are many and varied. The need for continued in-service training on a yearly basis is essential to alert personnel to emerging issues and new methodologies in corrections.

At present, there are no comprehensive nor consistent guidelines regarding recruitment and training for correctional officers. There is a great disparity between individual programs, such as those offered for correctional offices at Montana State Prison, and the lack of same for local jailers.

Although Montana State Prison has established an excellent pre-service and in-service training program, problems have arisen because of lack of personnel incentive.

Additional incentives must be offered to the correctional staff to make participation in the training programs more attractive.

Many city and county agencies and units of government do not have the necessary resources, to give priority to correctional training and thus operate with totally inadequate personnel whose training and background have no relevance to corrections.

Training - Goal

To establish a career development program for correctional personnel under the aegis of the Correctional Officers Standards and Training Council

Training - Objectives

To upgrade the quality of correctional personnel through support for recruit and in-service training for personnel at all levels of service within the correctional system

To attain 80 hours basic training and 40 hours in-service training annually for all correctional personnel throughout the state

Training - Standards

The training standards 13.7 and 13.8 have been adopted by the Montana Council on Criminal Justice Standards and Goals (Corrections task force report).

Training - Priorities

1. Correctional Officers Standards and Training Council
2. Career Development program for Correctional Personnel
3. Continuing In-Service Training

Training - Multi-Year Forecast

Action program B-5 will effect the continuation and expansion of training programs for correctional personnel.

Implementation of state standards for training will be begun if passed by the 1977 Legislature.

Training - Multi-Year Budget

Refer to the multi-year budget at the front of this section. Specific reference is made to Program B-5.

CORRECTIONS

EDUCATION - PROBLEMS AND NEEDS

Without the opportunity to participate in educational programs while in prison, offenders on their release to the community find themselves in the same environment and circle of friends that combined to initiate their involvement with law enforcement. Therefore, the need to provide educational programs for the incarcerated is apparent. Many enter the state prison with tenth or eleventh grade educations and can participate in programs to attain a GED high school equivalency certificate. The post-secondary education program can put people in the best setting that the prison can provide. This is a healthy, mind-broadening experience, as many inmates feel a loss of identity and experience a feeling of hopelessness.

The correctional officers or guards do not need to meet specific educational requirements to be eligible for their positions. There is a need for incentives to encourage correctional personnel to complete their secondary education and continue until a certain level of formal education has been attained.

Obviously a lesser degree of education is needed to provide custody than is needed for medical and psychological diagnosis and treatment.

All areas of correctional treatment require a certain knowledge of the behavioral sciences. Since the emphasis at the prison is on rehabilitation rather than custody, the need exists for greater degrees of relevant education for employees of the institution.

EDUCATION - GOALS

Improve the educational level of employees within the state's correctional system

Provide academic and vocational educational opportunities to the incarcerated as a step in the rehabilitation process to prepare them for their return to the community

EDUCATION - OBJECTIVES

To upgrade the quality of corrections personnel through support for education at the secondary and post-secondary level

To provide academic and vocational education programs for the incarcerated as a step in the rehabilitation process to prepare them for their integration into the community

Education - Standards

Refer to standard 11.4 as set by the National Advisory Commission on Criminal Justice Standards and Goals (Corrections).

Education - Priorities

Montana's priorities in this area are two-fold: to improve the educational level of corrections personnel and provide academic and vocational education to the incarcerated by gearing educational programs to maximize resources and meet current and changing needs.

Education - Multi-Year Forecast

It is anticipated that special correctional programs will be designed to meet the needs in this area. Programs in the training category that are applicable to education of employees of the correctional system will continue to be upgraded and expanded.

Education - Multi-Year Budget

Refer to the multi-year budget for action programs in the front of this section. Specific reference is made to programs B-5 and C-4.

CORRECTIONS

Equipment - Problems and Needs

Modern equipment is essential to the changing field of corrections. As new ideas in incarceration and rehabilitation are devised, new equipment is essential to implement them.

The new state prison will require a more sophisticated electronics alarm system for perimeter security and equipment for correctional officer safety.

At the local level, equipment is necessary for safety and security and for protection of the incarcerated.

Montana State Prison requires equipment for academic and vocational education. Diagnostic equipment for proper classification and evaluation of those convicted is also needed.

As training facilities and programs at the prison site increase, additional equipment must be furnished.

Highly specialized equipment for medical and psychological diagnosis and subsequent placement of all felony offenders is required.

Equipment for training and continuing education of field services personnel is adequate at this time, but must be upgraded for continued instruction in counseling techniques.

Equipment - Goals

Continue to improve and upgrade Montana's correctional system by providing the necessary and appropriate equipment for security, safety, and healthful surroundings

Equipment - Objectives

To provide the new facility at Montana State Prison with equipment necessary for security and safety of prison personnel and inmates

To provide the necessary equipment for academic and vocational education

To provide specialized equipment for medical and psychological diagnosis and subsequent placement of all felony offenders by 1977

Equipment - Standards

Standards 9.7, 9.8, and 9.10 (Corrections report) have been set by the NACCJSG.

Equipment - Priorities

Priority areas encompass security classification of offenders, education and vocational training.

Equipment - Multi-Year Forecast

Necessary security, educational, testing and rehabilitation equipment will be provided the state prison to bring that institution to current standards.

Continued support will be provided for state and local facilities improvement through technical assistance and funding incentives.

Equipment - Multi-Year Budget

Refer to the multi-year budget at the front of this section. Specific reference is made to Part E programs.

CORRECTIONS

Facilities - Problems and Needs

Nationwide, there is a movement to de-emphasize public facilities, particularly new prison facilities and juvenile institutions. However, the reality remains that certain custodial institutions are necessary. A need exists for long-term incarceration as well as temporary lock-up facilities. There is an immediate need for some new construction, some renovation, and in some cases total abandonment.

Sections of Montana State Prison are in such a state of disrepair that it is not economically feasible to renovate or continue use of these facilities.

As reflected in the resources section of this plan, extremely poor conditions exist in the majority of Montana's county jails. These conditions hinder progress of correctional services at this level. The age and physical condition of many of these facilities constitute a major concern.

The established planning regions throughout the state should identify these facilities and look to the consolidation of efforts and multi-jurisdictional facilities to meet the needs of the individual in all phases of the correctional process.

Each community must have temporary holding facilities which should be used only for pre-trial detention and not be considered a part of the correctional environment. With the rising costs of materials and labor and accompanying budgetary limitations, local government is hard pressed to renovate or build facilities.

Facilities - Goal

To provide a correctional climate which is conducive to reducing recidivism by eliminating sub-standard conditions in the state prison and county jail facilities

Facilities - Objective

To provide at least minimum standards for the health and welfare of inmates at the local level and use these facilities only for temporary incarceration

Facilities - Standards

Standards 6.1, 8.2 and 10.2 (Corrections task force report) have been adopted by the Montana Justice Project.

Facilities - Priorities

Priorities include abandoning the old Montana State Prison and occupying the new facility by the end of 1976;

assisting local units of government in planning for the construction or renovation of facilities; and

providing technical assistance from the SPA and National Clearinghouse for feasibility studies on consolidation and multi-jurisdictional facilities.

Facilities - Multi-Year Forecast

It is anticipated that support will be continued for a clinical services and diagnostic testing facility in the next three years. Also, continued support for local jail improvement including consolidated jail facilities and local holding facilities will be provided to bring those facilities to standard for the health and welfare of those detained. Suitable alternatives to county jails such as centers for pre-release, work release, and post-release programs will be identified.

Facilities - Multi-Year Budget

Refer to the multi-year budget at the front of this section--specifically to programs E-5 and G-1.

CORRECTIONS

Workloads - Problems and Needs

Budget limitations have forced many correctional workers to assume excessive workloads.

The distances among facilities and general disrepair of the state prison reduce efficiency: consequently additional manpower is required. Even with a high ratio of officers to inmates the workload is in excess of the desired standard.

Probation and parole field officers are severely hampered by excessive caseloads and in some instances the officers are responsible for up to 90 persons each. With these conditions, it is apparent that effective counseling of the probationer or parolee by the field officer is greatly impeded.

Increased workloads are anticipated for personnel in community corrections as the emphasis shifts toward that form of rehabilitation.

Completion of the modern state prison facility by the end of 1976 will improve the physical work environment.

A workload study will be conducted to determine the most efficient method for personnel distribution, and effective utilization of resources.

Additional probation/parole field officers are needed to reduce the overall caseload per individual officer. Efficient utilization of volunteers and paraprofessionals is needed in this areato assist field officers.

Workloads - Goal

To increase the efficiency of manpower deployment and workloads within Montana's correctional system

Workloads - Objectives

To effectively reduce the caseload of probation/parole field officers to 35 persons or 50 units per officer within a period of two years

By utilizing the results of a workload study at the new state prison, to provide for efficient deployment of correctional personnel and reduce the excessive workloads to the desired level

Workloads - Standards

Standards 11.6, 13.4, 13.5, 14.1, and 14.5 (Corrections task force report) all address correctional workloads. These standards have been adopted by the Montana Justice Project.

Workloads - Priorities

The SPA will provide the necessary technical assistance and support for priorities established by the Division of Corrections.

Workloads - Multi-Year Forecast

Activity is anticipated in the following areas:

support for a workloads analysis at the new state prison;

reduction of caseload of probation/parole field officers;

reduction of excessive workloads throughout the state correctional system.

Workloads - Multi-Year Budget

The workload study was budgeted in the 1976 action grants and so far no further monies have been budgeted for the next three years in this area.

CORRECTIONS

Operating Standards - Problems and Needs

Montana has a hodgepodge of correctional law interspersed among other statutes, making it difficult to research statutes concerning corrections. A correctional code would facilitate the modernization of obsolete laws. Montana has no comprehensive correctional legislative code which would give a definitive purpose to the state's correctional system.

A correctional policy is a definitive statement explaining the goals of a corrections system to the public and to professionals in corrections. Its value lies in explaining to both groups what to expect, or strive for, in corrections. Montana has no correctional philosophy. Montanans have never been told the overall objectives of the state's correctional system, which at times has led to misunderstanding and public bewilderment. The Montana Justice Project's Citizen Response Program received well over 100 statements and opinions from citizens throughout the state. They overwhelmingly called for a harsher approach to corrections, with fewer offenders on probation and parole and more incarcerated.

Montana's corrections system has been unified (except for juvenile probation) under the Corrections Division. It controls all correctional institutions and adult probation and parole, and any state community correctional centers will come under this division. The division should be able to determine which of its facilities or programs are best suited for the individual offender. The establishment of the Montana State Prison Evaluation and Diagnotic Center, with the new Corrections Division, should amount to a new resource capable of bringing people and programs together for better service.

Operating Standards - Goals

A. To enact a comprehensive correctional code;
B. To define the corrections policy and explain the goals of a corrections system to the public and to professionals in corrections;
C. To create legislation governing the commitment and transfer of felony offenders sentenced to confinement.

Operating Standards - Objectives

A. To support the enactment of a comprehensive correctional code by the 1977 Legislature which should include statutes covering:

1. Services for persons awaiting trial
2. Sentencing criteria, alternatives and procedures
3. Probation and other programs short of institutional confinement

4. Institutional programs
5. Community-based programs
6. Parole
7. Pardon

The code should include statutes on these programs for:

1. Felons, misdemeanants and delinquents
2. Adults, juveniles and youthful offenders
3. Male and female offenders

B. To define and state the goals of a corrections system to the public and to professionals in corrections.

The policy of corrections should contain the following premises:

Correction's first function is to protect the public. Efforts will be emphasized that assures an offender will not return to crime after release from the correctional system.

The public is protected by a correctional system characterized by concern, diversified programs for individuals and reintegration concepts as well as punitive measures.

Persons accused of criminal conduct or delinquent behavior and awaiting trial, should be subjected to the least restraint. This condition should give reasonable assurance that the accused will appear for trial. Confinement should be used only where no other measure is shown to be adequate.

An offender's correctional program should be the least drastic measure consistent with the offender's needs and public safety. Confinement, which is the most drastic disposition for an offender and the most expensive for the public, should be the last alternative considered.

C. To enact legislation governing the commitment, classification, and transfer of offenders sentenced to confinement. Such legislation should include:

1. Provision requiring that offenders sentenced to confinement be sentenced to the custody of the Department of Institutions rather than to any specific institution

2. Requirement that sufficient information be developed about an individual offender and that assignment to facility, program, and other decisions affecting the offender be based on such information

3. Authorization for the assignment or transfer of offenders to facilities or programs administered by the Department of Institutions, local subdivisions of government, the federal government, other states, or private individuals or organizations

4. Authorization for the transfer of offenders in need of specialized treatment to institutions that can provide it. This should include offenders suffering from physical defects or disease, mental problems, narcotic addiction, or alcoholism, consistent with applicable law

5. Provision requiring that the decision to assign an offender to a particular facility or program shall not in and of itself affect the offender's eligibility for parole or length of sentence

Operating Standards - Standards

The operating standards explained in this report reflect those standards adopted by the Montana Justice Project.

Operating Standards - Priorities

To have standards, as adopted by the Council, enacted during the 1977 Montana Legislative Session.

Operating Standards - Multi-Year Forecast

The SPA will provide the Corrections Division of the Department of Institutions with all technical assistance available.

Operating Standards - Multi-Year Budget

No monies have been budgeted for this program area in FY 1977. It is anticipated that funding may be available during 1978 and 1979 to assist in implementing corrections programs.

SERVICES - PROBLEMS AND NEEDS

Delivery of community resources to the parolee is one of the major problems for the probation and parole office.

Services that are available are inconsistent and in many cases difficult to coordinate.

Through rehabilitation and decrease of the recidivism rate* the most important service is provided to society. Indirectly, considerable tax savings are realized through decreased incarceration costs and the reduction in crime in terms of lives and property also should be realized.

The rehabilitative process begun at the prison needs to be nurtured in the community, but heavy workloads of the probation and parole officers hinder the process.

Services that could be offered to those incarcerated in local jails and others residing in halfway houses are not being utilized to their full extent (i.e., health, mental health, counseling, welfare, employment, etc.)

When the construction of the new facility is completed, a greater service area will be provided. Rehabilitation programs may be begun at the prison and continued following the prisoner's release. With the beginning of an adequate rehabilitation process at the prison and its continuance on the street, the citizen will be provided long-term relief.

SERVICES - GOALS

1. To provide protection for society

2. To integrate the rehabilitated offender into society and reduce the rate of recidivism

SERVICES - OBJECTIVES

To identify, produce, and keep current a directory of all available community resources to be utilized by probation/parole field officers in their respective localities

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*Recidivism is measured by (1) criminal acts that resulted in conviction by a court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by (2) technical violations of probation or parole in which a sentencing or paroling authority took action that resulted in an adverse change in the offender's legal status. This is the same definition used by the NCCJSG and the Montana Justice Project.

To recruit and screen community volunteers to assist in the rehabilitation efforts

To reduce the workload of probation/parole field officers by utilizing community volunteers and paraprofessionals

Services - Standards

Standard 11.4 (Community Services for Parolees - Corrections task force report) has been adopted by the Montana Justice Project.

Services - Priorities

It is imperative to develop a coordinated delivery system for human service resources; to promote public involvement in corrections; to decrease workloads of probation/parole officers by utilizing volunteers and paraprofessionals.

Services - Multi-Year Forecast

It is expected that support will be continued for services provided to the incarcerated and the paroled.

At least one community corrections facility should be established in a high population area in the state.

Services - Multi-Year Budget

Monies have been budgeted in the multi-year budget. Manpower (A-5) and Part E (P-25) categories.

CORRECTIONS

Information Systems - Problems and Needs

In most states and on a national basis, correctional systems lack basic information on the people who have been committed to their care. It is frequently difficult to get a current, detailed accounting of offenders on a day-to-day basis. Lacking this and other information system elements, managers do not have a sound basis for reaching effective decisions on even basic requirements -- such as the placement of individuals within programs and institutions on the basis of available facilities and services. Beyond the basics of prisoner and population control, corrections managers often have little, if any, information on programs and services provided by other institutions.

The existence of a basic, uniform, national program of information exchange would serve the combined needs of corrections managers, behavioral scientists, and groups of concerned citizens.

The records of the state prison are not easily retrievable for use elsewhere. Furthermore, the prison records are not standardized, which makes comparison more difficult. The prison does not have easy access to records of those persons in other parts of the system.

There exists a need to standardize recordkeeping and maintain all records in a central location so that each correctional agency may easily retrieve information needed for its purposes.

Members of the Board of Pardons do not have easy access to needed information about the persons coming before the Board or those released from prison to its charge.

The parole and probation authority must have access to speedy, reliable information about the individuals who will appear at parole hearings. The field officer must have background information concerning correctional benefits afforded his client.

At this time, it is impossible to pinpoint where in the system an individual is at any given time. Once a person is discharged from the system into the community, we must be able to evaluate the effectiveness of the correctional process through information. The district judges need information prior to sentencing.

A central correctional records information system housed within the Division of Corrections could easily provide the necessary records and information to determine where the person is in the system, or if he is outside the system, provide necessary evaluative information. It also could provide the sentencing authority with information required.

Information Systems - Goal

To design a state correctional information system to fit within the state's unique needs, in terms of priorities, legislation, policies and restrictions

Information Systems - Objectives

To design, develop, and implement an offender based state corrections system (OBSCIS) within three years

Information Systems - Standards

Standard 14-A (Information Systems task force report) is a recommendation which has been adopted by the Montana Justice Project.

Information Systems - Priorities

First it is necessary to plan the project then to develop the individualized system for the state, and implement the OBSCIS process.

Information Systems - Multi-Year Forecast

1977 - Support for OBSCIS
1978 - Continue support for OBSCIS
1979 - Provide support to state agencies whose functions provide input for OBSCIS

Information Systems - Multi-Year Budget

A discretionary grant has been awarded for $100,000. No monies have been budgeted for 1978 or 1979.

PART II - THE ANNUAL ACTION PROGRAMS

Summary Reference to Action Programs

Program	Federal	State/ Local	Total	Match Ratio (%)
A-1	9,000	1,000	10,000	90/10
A-2	30,000	60,000	90,000	50/50, 25/75
A-3	48,000	96,000	144,000	50/50, 25/75
A-5	50,000	6,000	56,000	90/10
A-7	5,000	600	5,600	90/10
A-10	45,000	5,000	50,000	90/10
A-21	25,000	2,800	27,800	90/10
A-22	20,000	3,000	23,000	90/10
TOTAL	232,000	174,400	406,400	
B-4	14,000	1,600	15,600	90/10
B-5	15,000	1,700	16,700	90/10
B-7	15,000	1,700	16,700	90/10
B-9	7,000	800	7,800	90/10
B-16	5,000	600	5,600	90/10
B-22	50,000	6,000	56,000	90/10
TOTAL	106,000	12,400	118,400	
C-2	25,000	2,800	27,800	90/10
C-3	20,000	3,000	23,000	90/10
C-4	10,000	1,200	11,200	90/10
TOTAL	55,000	7,000	62,000	
D-1	60,000	20,000	80,000	75/25
D-4	10,000	4,000	14,000	75/25
TOTAL	70,000	24,000	94,000	
E-3	15,000	15,000	30,000	50/50
E-4	40,000	40,000	80,000	50/50
E-5	51,000	51,000	102,000	50/50
TOTAL	106,000	106,000	212,000	
F-4	10,000	1,200	11,200	90/10

Program	Federal	State/ Local	Total	Match Ratio (%)
G-1	50,000	6,000	56,000	90/10
G-2	375,000	42,000	417,000	90/10
G-7	60,000	7,000	67,000	90/10
TOTAL	485,000	55,000	540,000	
H-1	30,000	4,000	34,000	90/10
H-2	15,000	1,700	16,700	90/10
H-5	5,000	600	5,600	90/10
TOTAL	50,000	6,300	56,300	
I-1	20,000	3,000	23,000	90/10
I-2	70,000	24,000	94,000	75/25
I-4	100,000	12,000	112,000	90/10
I-5	10,000	1,200	11,200	90/10
I-11	15,000	1,700	16,700	90/10
TOTAL	215,000	41,900	256,900	
TOTAL PART C	1,329,000	428,200	1,757,200	
P-11	31,500	3,500	35,000	90/10
P-22	25,000	2,800	27,800	90/10
P-23	28,500	3,200	31,700	90/10
P-24	15,000	1,700	16,700	90/10
P-25	40,000	4,500	44,500	90/10
TOTAL	140,000	15,700	155,700	
GRAND TOTAL	1,469,000	443,900	1,912,900 *	

*This budget is tentative and subject to revision.

It is expected that nearly every program described in this section will be monitored; therefore, the exceptions will be noted rather than the instances where monitoring will take place. The evaluation section of this document describes the monitoring design. Monitoring will be accomplished by the SPA field representatives using the forms described.

In addition, while mention is made in each program of evaluation, refer to the section entitled "Provision for Evaluation."

TITLE: REPLACEMENT MANPOWER (A-1)

RELATIONSHIP TO PROBLEM ANALYSIS: Every law enforcement officer in the state is required to complete basic training at the Montana Law Enforcement Academy within one year of his/her employment. Due to budgetary limitations and the unavailability of sworn officers, law enforcement agencies with 10 or fewer sworn officers are unable to accommodate necessary shifts when a regular officer is attending the law enforcement academy. Without an additional sworn officer, the regular officer is unable to be released from duty for training.

Refer to "Law Enforcement Systems" and discussion of manpower needs in Problem Analysis section. This project is referenced in the multi-year budget.

OBJECTIVES:

To provide basic training for each law enforcement recruit within one year of his/her initial employment

To make specialized training more readily available to law enforcement agencies with 10 or fewer sworn officers

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to Montana Justice Project's law enforcement report standard 1.1. There is also a relationship to the SPA objective of providing 15 law enforcement agencies having 10 or fewer sworn officers with temporary replacement officers while regular officers attend the Montana Law Enforcement Academy. This is an objective for each year through 1981 and is aimed at the goal of increasing the professional skills and proficiencies of criminal justice practitioners.

STRATEGY FOR IMPLEMENTATION:

Law enforcement agencies with 10 or fewer sworn officers, demonstrating a financial need, will receive assistance to hire a retired or active officer willing to accept temporary employment as a replacement while a regular officer is attending either the basic, intermediate, or legal schools at the Montana Law Enforcement Academy.

Technical assistance deemed necessary will be furnished in accordance with the technical assistance plan described in this volume.

SUBGRANT DATA:

Only law enforcement agencies of 10 or fewer sworn officers will qualify for this program. Only specified courses at the Montana Law Enforcement Academy will be covered; i.e., basic, intermediate, and legal schools.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$9,000	$1,000	$10,000	90/10

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) An assessment of POST compliance should be sufficient for SPA evaluation of this program.

TITLE: POST-GRADUATE EMPLOYMENT (A-2)

RELATIONSHIP TO PROBLEM ANALYSIS: The mean formal educational level of Montana's law enforcement officers is less than the public mean.

Many law enforcement agencies do not actively recruit college-educated applicants for officer vacancies.

Many law enforcement agencies are unable to meet the increasing demands for service in criminal matters due to an inadequate number of sworn officers. Budgets are not adequate to effect an immediate manpower increase nor are there any indications of projected increases in a relatively short time. These problems are discussed in the Problem Analysis and Resources sections. This project is referenced in the multi-year budget.

OBJECTIVES:

To increase the mean level of law enforcement education to 14 years by 1980

To encourage the active recruitment of college educated applicants by law enforcement agencies

To effect an immediate increase in the number of sworn officers within law enforcement agencies with a long-range increase in the level of law enforcement professionalism

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This project bears relationship to the SPA objective of providing financial support through subsidized employment for 30 criminal justice graduates in state and local criminal justice agencies working toward the goal of increasing the operating efficiency and effectiveness of the criminal justice system.

Also refer to the NACCJSG police report standards 15.1 and 15.2.

IMPLEMENTATION:

Funds will be limited to the maintenance of current projects that have been funded under this program previously. The program has been limited to agencies requiring manpower and financial support which expressed an interest in employing a criminal justice graduate with either an Associate or Bachelor's degree. Funding is for salaries on a three-year declining scale. The first year, federal funds will provide 75% of salaries to a 25% state/local fund match. (No first year funding is anticipated). The second year is based on a 50%-50% match, and the third year on a 25% federal and 75% state/local ratio. Travel, per diem, and operating expenses will be the responsibilities of local government.

Should federal funds be reduced or terminated, the local governments participating in this program will be required to assume financial responsibility for personnel or terminate their employment.

SUBGRANT DATA:

It is anticipated that with the available funds only those projects that are currently under the program will be funded. Six continuation subgrants are anticipated ranging from $2,500 to $6,500 each.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$30,000	$60,000	$90,000	50/50 25/75

EVALUATION:

a) Sixteen current or expired projects reviewed by staff evaluators provided information used in developing the program and projects.

b) The planner/evaluator staff decided a minimal need for future evaluation continues for this program.

c) Agencies requesting funds under this program are required to perform an internal assessment of their projects. Guidelines for preparing a subgrant application narrative capable of internal assessment are outlined on page four, number six of the MBCC Instruction, Grant Application booklet.

TITLE: JUVENILE PROBATION MANPOWER ASSISTANCE (A-3)

RELATIONSHIP TO PROBLEM ANALYSIS: Montana's juvenile court personnel are handicapped by large caseloads and broad geographic areas. The urban areas of the state need additional manpower to develop special services such as intake, resource development, and additional counseling services. Rural areas need additional support to adequately serve the large geographic areas. This is discussed more fully in the Problem Analysis section, and the project is referenced in the multi-year budget.

OBJECTIVES:

This program is designed to subsidize the employment of seven deputy probation officers to reduce the caseload of individual officers to a level not greater than 50 cases. Two of the officers will be employed in communities not previously having juvenile probation service.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This project is related to the SPA goal of reducing the caseload of juvenile probation officers in 50% of the state judicial districts to 50 case equivalents per officer at a cost not to exceed $23,000 per officer, by 1979. This is aimed at the goal of reducing the recidivism rates of juvenile offenders.

IMPLEMENTATION:

Seven deputies having the minimum qualifications established by law will be hired. Each deputy will be under the direct supervision of a chief probation officer.

Funding will be limited to 75 percent of the actual salary. The remaining 25 percent of the salary and incidental expenses such as travel, per diem, and operating expenses will be the responsibility of the county. Subgrants will be awarded with the understanding that the federal share of the subsidy will decrease over a three-year period. Continuation funds will be available to participating counties willing to increase their share of the subsidy by 25 percent each year. Any technical assistance necessary will be furnished according to discussion of the technical assistance plan in this volume.

SUBGRANT DATA:

Seven subgrants are anticipated under this program. All grants will be to county government.

Each subgrant is made with the understanding that the federal share of the project will decrease over a three-year period. The first year funding was 75% federal and 25% local. Continuation funds are available if the grantee increases his proportionate share of the total project cost by 25% over the previous year. Second and third year funding will be based on a percentage of the first year's budget, thus salary increases are the responsibility of local government.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$48,000	$96,000	$144,000	75/25 50/50 25/75

EVALUATION:

a) Twenty-one current or expired projects reviewed by staff evaluators provided information used in developing the program and projects for this program category.

b) Sixty-three percent of the total funds allocated for the 1975 action grant year received evaluation input. This evaluation input was used to determine progress and problems provided to management for decision-making process for continuation of this program. Based on marked improvement in local projects, the program will continue.

c) Planning and evaluation staff decided a minimal need for future evaluation continues for this program. One program "level one" evaluation will be done during the 1976 grant action year to include at least four project "level one" evaluations to assess progress. Agencies requesting funds under this program are encouraged to obtain SPA staff assistance in developing their subgrant narratives to include evaluation criteria, or to assist them in developing a capability for internal assessment at the local level. See MBCC Instruction, Grant Application booklet, page four.

TITLE: CLINICAL SERVICES/OFFENDER DIAGNOSIS & CLASSIFICATION SERVICES (A-5)

RELATIONSHIP TO PROBLEM ANALYSIS: There is a need to provide clinical services for residents of the Montana State Prison. In addition there is a need for diagnostic testing, evaluation, and classification of offenders to maximize the use of community-based programs.

As the number of community-based correctional programs and various types of institutional treatment programs increases at both state and local levels, judges and administrators are confronted with decisions relative to an individual's rehabilitation process.

Effective utilization of available community services is hampered by the lack of sound diagnostic and classification services.

Unless an individual is properly and validly diagnosed, he cannot be classified and assigned to that series of programs which will best address his needs.

These problems are also discussed in the Problem Analysis section, and the project is referenced in the multi-year budget.

OBJECTIVES:

1) To continue psychological and sociological clinical services at the Montana State Prison

2) To reduce recidivism of offenders by selecting rehabilitation and treatment programs designed to suit individual needs, based on diagnosis and classification of offenders entering institutions and on probation or parole.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This project is compatible with the SPA objective of providing psychological and sociological clinical services and diagnostic testing and evaluation at Montana State Prison by 1979, working toward the goal of reducing the recidivism rates of adult offenders.

IMPLEMENTATION:

Two funding requests are anticipated from the Department of Institutions, Corrections Division, one to continue clinical services, and one to provide an increase in diagnostic and classification programs, especially at the local level, where diversion of offenders will require these services.

Technical assistance will be available as outlined in the discussion of the technical assistance plan.

SUBGRANT DATA:

Subgrants under this category will be awarded to the Department of Institutions.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$50,000	$6,000	$56,000	90/10

EVALUATION:

a) One current project reviewed by staff evaluators provided information used in developing the program and projects for this program category.

b) Funding is provided in this area partially due to evaluation data providing a basis for the future administration of this project. Grant action year 1975 provided much information; however, the planning and evaluation staff desires additional evaluation input to determine the future status of this project based on 1976 grant action year.

c) In view of the amount of funding and desire for additional evaluation information, the project is a high priority for evaluation in the corrections area. Agencies requesting funds in this program are encouraged to request SPA technical assistance in writing their subgrant narratives to include evaluation criteria. Only those applicants meeting subgrant narrative requirements listed on MBCC Instruction, Grant Application booklet, page four, will be funded.

TITLE: VOLUNTEER AUXILIARY POLICE (A-7)

RELATIONSHIP TO PROBLEM ANALYSIS: Many law enforcement agencies are unable to meet the increasing demands for service in criminal matters.

Sworn officers are diverted from law enforcement duties to perform civil or support service functions. This is discussed more fully in the Problem Analysis section. The project is referenced in the multi-year budget.

OBJECTIVES:

To relieve officer manpower shortages and relieve sworn officers of non-law enforcement functions or provide assistance in coping with deployment problems that may arise

To train 60 volunteer auxiliary sworn officers by 1978

RELATIONSHIP TO GOALS, OBJECTIVES AND STANDARDS:

Refer to Montana Justice Project law enforcement report standards 6.1, 6.4, and 6.5. This project is consistent with the SPA objective to provide trained, volunteer law enforcement manpower in order to meet the goal of ultimately increasing the operating efficiency and effectiveness of the criminal justice system.

IMPLEMENTATION:

Two subgrant applications are anticipated. One is to establish a formal training program at the Montana Law Enforcement Academy for volunteer auxiliary officers and another is to establish in-service training programs for auxiliary officers throughout the state. Both training programs will be certified according to criteria established by the POST Council.

SUBGRANT DATA:

It is planned that the subgrant to establish a training program for auxiliary officers at the Montana Law Enforcement Academy and the subgrant to establish statewide in-service training will be administered by the POST Council.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$5,000	$600	$5,600	90/10

EVALUATION:

The projects funded under this program will be "level one" evaluations as established in the SPA "Provisions for Evaluation."

TITLE: COURT ADMINISTRATION (A-10)

RELATIONSHIP TO PROBLEM ANALYSIS: The program in court administration is designed to meet needs identified in: 1) the problem analysis and system performance introduction to the multi-year forecast for courts, prosecution, and defense, and 2) the multi-year forecast for courts in the sections dealing with manpower and information systems. Specifically, the program represents an initial step toward a full administrative and planning capability for the judicial branch. See also the multi-year budget at the front of this section.

OBJECTIVES:

The objective of this program is to assist in upgrading the administrative and planning resources and capabilities of the judicial branch by: 1) providing diminishing support for continuation of the present program in court coordination; 2) adding to a judicial information systems analyst to the staff of the Office of Courts Administration, and 3) providing part of the satellite services necessary to the development of a manual system for the collection and analysis of relevant district court case data.

RELATIONSHIP TO GOALS, STANDARDS, AND OBJECTIVES:

See goals, standards, and objectives in the manpower and information systems sections of the multi-year plan. The program represents an initial step toward a full administrative and planning capability for the judicial branch by assisting in the initiation of a manual judicial information system at the trial court level.

IMPLEMENTATION:

This program will continue to fund, at a diminishing level, salary, maintenance, and operating costs for a court administrator in the Montana Supreme Court. It will provide until July 1, 1977, for the salary of one additional staff member in the Office of Court Administration , a judicial information system analyst, and part of the maintenance and operating costs associated with the establishment of a manual system. It is expected that the analyst will collect and analyze information relevant to the management of about 50,000 annual cases at the trial court level and that this information will form an improved basis for decision-making in regard to allocation of resources to courts. It is anticipated that all costs presently associated with court administration or to be associated with the development and implementation of a judicial information system will be assumed by the state as of July 1, 1977. The multi-year forecast (see multi-year budget) reflects programmed responses to projected needs for staffing for youth court administration, lower court administration, and/or demonstration projects in trial court administration in multi-judge districts.

For projected technical assistance, refer to the Technical Assistance Plan section.

SUBGRANT DATA:

The eligible subgrantee under this program will be the Office of Court Administration in the Montana Supreme Court. It is anticipated that one subgrant not to exceed $45,000 will be awarded.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$45,000	$5,000	$50,000	90/10

EVALUATION:

Evaluation information used in developing this program was gained through close liaison with the Office of Courts Administration and monitoring of day-to-day scope of the operation and through informal interviews with judges, clerks of court, legislators, etc. The evaluation level will be "level one."

TITLE: LAW SCHOOL INTERNS (A-21)

RELATIONSHIP TO PROBLEM ANALYSIS: The provision of law interns to judges, prosecutors, and defenders relates to the need for adequate support services in each courts area, as discussed in the problem analysis and system performance introduction to the multi-year forecast for courts, prosecution and defense. The configuration of the multi-year budget represents a phase-out of SPA support for this effort with an accompanying projection that costs will be assumed by state and local governments and that the establishment of a legal information center at the law school will provide more long-range benefits in legal research assistance to criminal justice personnel.

OBJECTIVES:

The purpose in funding summer internships for law students in operating agencies is to provide 20 to 30 interns for legal research and other assistance to judges, prosecutors, and defenders and to staff the Montana Defender Project (legal services to prison inmates) in the summer of 1977 at a cost not to exceed $25,000.

RELATIONSHIP TO GOALS, STANDARDS, AND OBJECTIVES:

See the goals, standards, and objectives set forth in the manpower section of the multi-year forecast.

IMPLEMENTATION:

Twenty to 30 law interns will be funded to provide support services to judges, prosecutors, and defenders in the summer of 1977. Determination of which judges, prosecutors, and defenders will receive the services will be made by the law school on the basis of equitable criteria to be developed in consultation with the Courts Administrator, the County Attorney Coordinator, and a representative of the Montana Criminal Defense Lawyers' Association. In addition, the program provides for one part-time staff member and two interns for continuation of the Montana Defender Project in the summer of 1977.

SUBGRANT DATA:

One subgrant not to exceed $25,000 will be made available to the University of Montana School of Law.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$25,000	$2,800	$27,800	90/10

EVALUATION:

Evaluation information used included internal assessments from county attorneys in prior years and interviews with one judge and one defender. Conclusion: the program has been of significant manpower assistance, especially to county attorneys, over the past six years. Having achieved demonstrable success, the program should be entirely assumed over the coming two years by state and local governments. The program will be evaluated at "level one."

TITLE: PLANNING STATEWIDE DEFENDER SYSTEM (A-22)

RELATIONSHIP TO PROBLEM ANALYSIS: This program is designed to provide an initial step toward addressing the serious problems in delivery of defense services outlined in the section on general problem analysis for courts, prosecution, and defense. The multi-year budget indicates that the program is limited to planning and organizational expenditures for two years. Implementation costs will be within the purview of the Legislature.

OBJECTIVES:

The objectives of this program are:

1) To initiate by October 15, 1976, a planning capability in a steering committee composed of representatives of groups interested in the delivery of defense services to the indigent accused;

2) To provide for the temporary employment (by sub-contract or otherwise) by November 1, 1976, by the steering committee of a person to assist the committee in planning for a statewide structure to deliver defense services to the indigent accused and to draft legislation pursuant to the planning for consideration of the 1977 legislative assembly; and

3) To provide for the review of the proposal for establishment of a statewide defender system by all interested parties by January 1, 1977.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

See the goals, standards, and objectives set forth in the manpower section of the multi-year forecast.

IMPLEMENTATION:

A steering committee will be formed of representatives of groups interested in the delivery of defense services to the indigent accused by the president of the Montana Criminal Defense Lawyers' Association, the director of the Montana Association of Counties, and the chairman of Montana Legal Services Corporation by October 15, 1976. This committee will receive the report of the National Center for Defense Management on the status of existing defense services in Montana and the Center's recommendations for structuring a statewide defender system. The committee will employ a temporary staff person by November 1, 1976, for purposes of liaison, planning, and producing draft legislation for consideration of the committee, the Legislature, and other interested parties by January 1, 1977. Proposals will be reviewed and revised as appropriate.

SUBGRANT DATA:

One subgrant not to exceed $20,000 will be made available to a non-profit corporation or to an appropriate state agency.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$20,000	$3,000	$23,000	90/10

EVALUATION:

No evaluation information was used to develop this program. The program will receive a "level two" evaluation.

TITLE: OUT-OF-STATE TRAINING (B-4)

RELATIONSHIP TO PROBLEM ANALYSIS: Specialized criminal justice training exists outside Montana that is not available within the state system and many criminal justice budgets do not provide for this training. See discussion in problem analysis section.

OBJECTIVES:

To provide travel, per diem, and tuition for criminal justice personnel to receive specialized training not available, but needed, within the state system. A secondary objective of this program is to develop a capability for specialized instruction at MLEA, and other in-state training programs.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program is tied in to the problem analysis and multi-year forecast sections as well as to the SPA objective of funding, by 1981, travel, per diem, and tuition for approximately 150 criminal justice practitioners to receive specialized and advanced training not available in-state. Refer to the multi-year budget at the front of the Problem Analysis section.

IMPLEMENTATION:

Activities planned for which funding will be requested include travel, per diem, and tuition of personnel attending out-of-state schools.

Funds may be requested for attending such schools as the Federal Bureau of Investigation National Academy, National Training Institute, International Association of Chiefs of Police schools, National Sheriffs' Association seminars, and many other recognized training schools and academies.

Corrections personnel from both institutions and community-based operations also may apply for out-of-state schooling.

A few recognized schools with specialized training in-state may be funded under this program; i.e., Cascade Canine Academy.

Technical assistance will be available as outlined in the technical assistance plan description.

SUBGRANT DATA:

Due to the different time frames and costs involved it is not possible to project the anticipated number of subgrantees.

Subgrantees will be encouraged to share their training experiences with their colleagues in-state by offering to instruct in local agencies and at the Montana Law Enforcement Academy.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$14,000	$1,600	$15,600	90/10

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) This category is a one-time training expenditure and will be reviewed through an internal assessment. Guides for preparing a subgrant application narrative capable of internal assessment are outlined on page four of the MBCC Instruction Grant Application booklet.

TITLE: DIVISION OF CORRECTIONS TRAINING (PROBATION/PAROLE) (B-5)

RELATIONSHIP TO PROBLEM ANALYSIS: The frequent changes in statutes and personnel bring about the need for continual in-service training of juvenile Aftercare personnel and probation/parole officers. This is discussed in the problem analysis section.

OBJECTIVES:

To provide field officers of the Division of Corrections with 80 hours in-service training per year

RELATIONSHIP TO GOALS, STANDARDS, AND OBJECTIVES:

Besides relating to the problems discussed in the Problem Analysis-Corrections and Juvenile Justice section, this program relates to the SPA goal of providing in-service training for 50 or 60 juvenile justice practitioners, including juvenile probation officers, institutional personnel, and law enforcement officers through 1978.

IMPLEMENTATION:

Funding may be requested for development of teaching aids and travel and per diem of officers and instructors. This in-service program will supplement basic orientation training.

The 80 (approximate) hours training should increase the knowledge and effectiveness of the parole officer by providing direction and developing skills in field counseling, community involvement, legal knowledge, job placement, and family relations, and providing a better understanding of modern concepts of community corrections. The program is also designed to standardize the pre-sentence investigation procedure and improve the officers' service to district courts in pre-sentence investigation and information gathering.

The training for this project will be provided by university professors and professionals in related areas such as district judges, county attorneys, sociologists, welfare agencies, employment agencies, and other probation and parole systems.

It is anticipated that the program will continue and require federal funding through 1978.

Necessary technical assistance will be furnished in accordance with guidelines in the Technical Assistance Plan section.

SUBGRANT DATA:

All subgrants under this category will be awarded to the Department of Institutions.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$15,000	$1,700	$16,700	90/10

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) The department requesting funds under this program will be required to perform an internal assessment. Guides for preparing a subgrant application narrative capable of internal assessment are outlined on page four of the MBCC Instruction Grant Application booklet.

TITLE: JUVENILE PROBATION OFFICERS TRAINING (B-7)

RELATIONSHIP TO PROBLEM ANALYSIS: Although juvenile probation personnel account for over 75% of community-based personnel working with delinquent youth, no comprehensive training program has been developed to serve these employees.

In June, 1976, the SPA funded the first statewide training for youth court personnel. This constituted a major undertaking in this area and will require continuation funding for a second year to fully establish the program.

There is still a need for a comprehensive training program utilizing all resources of Montana's higher education system. It must also be accessible to rural employees, and employees who cannot leave their offices for extended periods of time.

This training covers the basic areas of juvenile law, counseling procedures and techniques, community organization, and administration. Refer to related discussion in the Problem Analysis and Multi-Year forecast sections.

OBJECTIVES:

The program will provide a minimum of 60 hours training in administration and/or treatment methodology to at least 50 percent of the juvenile probation officers.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program represents a partial solution to the problems described in the problem analysis and multi-year section, and to the SPA goal of increasing the professional skills and proficiencies of criminal justice practitioners by providing training in administration and/or treatment methodology to all juvenile probation officers by 1978.

IMPLEMENTATION:

Funding may be requested for personnel, teaching aids, and travel and per diem to prepare and conduct the training.

The program will involve instructors from many of the state's colleges and universities which, through the Montana Association of Criminal Justice Educators (MACJE), will encourage the participation of each of the Association's members.

Necessary technical assistance will be furnished in accordance with guidelines in the technical assistance plan.

SUBGRANT DATA:

One grant is anticipated to the Montana Probation Officers' Association. A consortium arrangement within the MACJE will determine the level and type of participation from the colleges and universities. A training committee from the Probation Officers' Association will set basic guidelines for course content and review the general effectiveness of the project.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$15,000	$1,700	$16,700	90/10

EVALUATION:

a) No sources of evaluation data will be available until the project has had more history.

b) There has been no evaluation data available to influence the development of this program.

TITLE: PROSECUTORS' IN-STATE TRAINING (B-9)

RELATIONSHIP TO PROBLEM ANALYSIS: See introductory problem analysis for multi-year plan for courts, prosecution, and defense. In-service training programs have reached about half of the prosecutors at the county level and none of the city attorneys. A vacancy in the position of county attorney training coordinator has resulted in an accrual of available in-state training funds, thus accounting for the seeming reduction in funding in 1977.

OBJECTIVES:

This program is designed to continue and expand in-state, in-service training in trial and management skills and/or in current substantive and procedural criminal or juvenile law for at least 75 prosecutors in fiscal 1977.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program represents a partial implementation of the training goals, standards and objectives in the courts area as described in the multi-year section.

IMPLEMENTATION:

It is anticipated that one statewide and four regional training courses will be developed for prosecutors. The courses may be part of more inclusive, inter-disciplinary workshops. Implications of 1976 local government review and concomitant 1977 implementing legislation for the criminal justice system may be included in sessions funded under this program, as may instructional materials prepared, developed, or disseminated pursuant to prosecutor training functions. Seventy-five to 100 prosecutors will be reached by a training session or materials during fiscal 1977. Technical Assistance will be provided in accordance with the plan described in this document.

SUBGRANT DATA:

As many as seven subgrants will be available under this program for purposes of prosecutors' in-service training. Eligible subgrantees include, but are not necessarily limited to, the Office of the County Attorney Training, the County Attorneys' Association, the Department of Justice, the Association of City Attorneys in the Montana League of Cities and Towns, and/or any unit of general local government.

BUDGET:

	LEAA	State Local	Total	Percentage
Part C	$7,000	$800	$7,800	90/10

EVALUATION:

No specifically evaluative information was used. Informal interviews were conducted in person or by telephone with seven prosecutors and prosecutorial administrative personnel. Evaluation will be at "level two."

TITLE: IN-STATE TRAINING FOR DEFENSE ATTORNEYS (FOR INDIGENT CRIMINAL ACCUSED) (B-16)

RELATIONSHIP TO PROBLEM ANALYSIS: Little in-service training has previously been available for public defenders or lawyers frequently assigned to represent indigent criminal defendants, as indicated in the introductory problem analysis for courts, prosecution, and defense. See also the multi-year budget.

OBJECTIVES:

This program is to provide at least one seminar on procedural or substantive criminal law and/or resources available for criminal defense for 20-50 public defenders or frequently assigned counsel for indigent defendants in 1977.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

See the section in the multi-year forecast addressed to goals, standards, and objectives for training of public defense attorneys.

IMPLEMENTATION:

At least one seminar or workshop will be held in Montana in 1977 for 20-50 public defenders and frequently assigned counsel. Such a seminar will address legal and/or practical problems involved in the defense of the indigent criminal accused.

SUBGRANT DATA:

One subgrant will be available under this program to an agency or non-profit corporation concerned with the operation of the public defense function in Montana.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$5,000	$600	$5,600	90/10

EVALUATION:

A seminar for criminal defense attorneys in 1976, sponsored by the SPA, received high evaluation in surveys of participants.

TITLE: IN-SERVICE TRAINING FOR JUDICIAL BRANCH PERSONNEL (B-22)

RELATIONSHIP TO PROBLEM ANALYSIS: The introductory problem analysis for courts, prosecution, and defense indicates a critical need for in-service training for judicial branch personnel, a problem which is compounded in an election year. Refer to the multi-year budget.

OBJECTIVES:

The purpose of this program is to assist the Montana Supreme Court and the office of court administration to plan, initiate, and implement full-scale, statewide, in-service training and training materials for approximately 500 judicial branch personnel in 1977, according to priorities that may be established by statute, by needs assessments, or by evaluation, and in keeping with equitable standards or criteria for training eligibility to be developed by the Supreme Court, the court administrator, and/or their authorized representatives, with fiscal review by the SPA to insure conformity with federal funding policies and regulations.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

On a multi-year basis, this program will fully achieve the standards, goals, and objectives described in the multi-year forecast.

IMPLEMENTATION:

The development of a comprehensive in-state and out-of-state training program for all judicial personnel is contemplated. "Judicial personnel" may be taken to mean all judges (except those dealing exclusively with administrative or regulatory law,) clerks of court, court reporters, and other personnel providing courts support services including administrative, clerical, and legal research personnel. The Supreme Court and the office of court administration will establish training priorities and criteria in line with legislative policy and with the objectives set out above. Emphasis will be given to expansion of in-state training, the training of inexperienced judges and courts personnel, the training of lower court judges generally, and to minimum standards of in-service training for judicial branch personnel. In 1977, the program should reach at least half of all judges (95), clerks of court (28), and courts administrative personnel (2) with 15 hours each of in-service training. This number should include all newly elected judges and clerks of court and any newly appointed court administrative personnel. In 1978 and 1979, plans for judicial branch in-service training should encompass all judicial branch personnel. The program includes a component for evaluation. Technical assistance will be provided in accordance with the plan description in this document.

SUBGRANT DATA:

One subgrant is anticipated in this program to the Montana Supreme Court and/or the office of court administration.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$50,000	$6,000	$56,000	90/10

EVALUATION:

Evaluation and progress reports from subgrantees in current programs of in-service judicial training, together with informal interviews with subgrantees and other judicial branch personnel, were used in program development. The program will receive a "level two" evaluation.

TITLE: PUBLIC EDUCATION (C-2)

RELATIONSHIP TO PROBLEM ANALYSIS: The needs to publicize the activities and functions of LEAA and the state planning agency and to promote general awareness of the criminal justice system are not generally unmet. However, police-community relations seminars held around the state demonstrated a need on the part of law enforcement agencies to communicate with the public and solicit the public's assistance and cooperation in crime prevention activities.

OBJECTIVES:

This program has three interrelated purposes: to increase public awareness of the LEAA and state planning agency function; to promote general awareness of the criminal justice system; and, to assist criminal justice agencies in developing a public communication capability.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Public relations (community awareness) appears as a high priority in both the input from the Region Advisory Councils and Montana Justice Project recommendations.

The consumer (victimization) surveys conducted also point out a definite need as indicated by the level of unreported crime and a possible lack of confidence in the criminal justice system by Montana citizens.

IMPLEMENTATION:

Funding may be requested for personnel, operating expenses, printing, and other costs involved in dissemination of information to the public.

To accomplish the stated objectives, the SPA will continue its present public information services. This includes continuing employment of a public information officer to produce the agency newsletter "Checkmate," routine press releases, and special documents.

The agency program will be expanded to include multi-media campaigns for criminal justice system awareness. Feature and background releases will be made to increase general knowledge of LEAA and state programs and priorities. Special campaigns will be implemented, as needed, to inform the public about changes in Montana's criminal justice system.

The third objective of building a local communication capability will be met by providing technical assistance to agencies seeking to develop local programs. This assistance is available from the SPA specialist staff or the public information officer either directly or in the role of resource coordinator.

Informally, the program will work to strengthen communication among the various agencies in the system and to increase awareness of such components as part of an overall system.

SUBGRANT DATA:

One subgrant is anticipated for the SPA.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$25,000	$2,800	$27,800	90/10

EVALUATION

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) The agency requesting funds under this program is required to perform internal assessment of its project. Guides for preparing a subgrant application narrative capable of internal assessment are outlined on page four of the MBCC Instruction, Grant Application booklet.

TITLE: CRIMINAL JUSTICE INTERNS (C-3)

RELATIONSHIP TO PROBLEM ANALYSIS: Montana has six institutions of higher learning offering a curriculum in criminal justice studies.

As participants in the Law Enforcement Education Program (LEEP), these institutions represent a vital resource to the existing law enforcement community. Through employment in operating agencies of criminal justice, the LEEP graduates represent the state's best hope for ultimate professionalism and advancement of law enforcement.

Curricula vary from institution to institution; however, a basic professional core of courses is emerging due to the efforts of the members of the Montana Association of Criminal Justice Educators (MACJE).

Problems and needs involving manpower, education, and training in all substantive areas of the criminal justice system represent justification for this type of program, which partially fills the needs. As discussed, it is a goal of the SPA that criminal justice practitioners not only be encouraged or required to be better educated in their fields but that they be given support in achieving this education and increasing their expertise.

OBJECTIVES:

This program is designed to provide LEEP students with 12 weeks of practical experience working with a criminal justice agency. A secondary objective of the program is to gain acceptance of higher education as an important tool in upgrading the professional service of criminal justice personnel.

IMPLEMENTATION:

Activities planned for which funding may be requested include nominal salaries, transportation, and per diem for interns and operating expenses of administering the program.

Students are placed in agencies by the LEEP faculty of each higher-education institution. A reporting schedule and close supervision are maintained between faculty and student, and academic credit is awarded for the work experience. The faculty and the agency administrator cooperate in insuring maximum utilization of the student's time.

This program has been beneficial to law enforcement agencies in past years in supplying needed manpower during the vacation season. It also has been effective in recruiting students to return to work in the Montana criminal justice system following graduation.

SUBGRANT DATA:

Four or five subgrants, not to exceed $30,000 total, will be made available to institutions of higher education to place interns in criminal justice agencies.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$20,000	$3,000	$23,000	90/10

EVALUATION:

Agencies requesting funds under this program should include a summary evaluation in the application similar to that described in the evaluation section of this plan.

TITLE: INMATE POST-SECONDARY EDUCATION (C-4)

RELATIONSHIP TO PROBLEM ANALYSIS: There is a basic need to escape the routine of a structured environment, to explore capacities and interests. Prisoners can use post-secondary education for such a legitimate escape, in addition to preparing for a positive attitude upon release. Refer to the discussion in the Corrections - Education section of the Problem Analysis portion of this plan, and to the multi-year budget.

OBJECTIVES:

The objectives of this program are, first, to provide college-level education to qualified inmates of Montana State Prison, and second, to provide intensive individual counseling to strengthen positive attitudes toward education and society in general.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Besides relating to goals, objectives, and standards mentioned in the Problem Analysis-Corrections section, this program meets the SPA objective of providing post-secondary education for qualified inmates at the Montana State Prison through 1977. See also the Resources-Montana State Prison section.

IMPLEMENTATION:

This program is the continuation of a successful 1973 pilot program. Supplemental funding will be requested for tuition, books, and supplies for participating inmates.

Prime funding comes from Vocational Rehabilitation of Montana Social Rehabilitation Services and Veterans Administration. The University of Montana takes individual inmate applications for Basic Educational Opportunity Grants. Enrollment in the program has been increasing annually 6-10%.

The American College Test is administered to determine eligibility and an analysis of test results is provided to each inmate tested. All testing, instruction, and individual counseling is done by faculty of the University of Montana.

SUBGRANT DATA:

It is anticipated following this third and final year of funding that other sources of funding will be sought to perpetuate this program.

Technical assistance will be provided as outlined in the Technical Assistance Plan.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$10,000	$1,200	$11,200	90/10

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) It is expected an internal assessment will be sufficient for measuring program results; therefore, an SPA staff evaluation is not a priority. Agencies requesting funds under this program are required to perform an internal assessment of their projects. Guides for preparing a subgrant application narrative capable of internal assessment are outlined on page four of the MBCC Instruction Grant Application booklet.

TITLE: EQUIPMENT (D-1)

RELATIONSHIP TO PROBLEM ANALYSIS: Montana, being basically a rural state, has many relatively small law enforcement agencies. Many of these small departments do not have adequate basic or specialized equipment to perform a multitude of varied law enforcement functions. Officers patrol large jurisdictions.

State and local criminal justice agencies require assistance to acquire the basic and specialized equipment necessary to routine operations when such is not available within their budgets. See further discussion in the Police section of the Problem Analysis. Equipment needs are also described in the courts, juvenile justice, and corrections sections.

OBJECTIVES:

To assist state and local criminal justice agencies in the acquisition of the equipment necessary to perform their criminal justice functions; to increase the efficiency of the delivery of services

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

The need for equipment is a continuing and basic one and is described in the Problem Analysis section for each substantive area.

This program meets the SPA objective of assisting state and local criminal justice agencies in the acquisition of operational and investigative equipment required in the performance of their professional duties, in order to partially meet the goal of increasing the operating efficiency and effectiveness of the criminal justice system.

IMPLEMENTATION:

Equipment purchase policies are being revised based on listing the pieces of operational equipment the SPA will consider funding, according to Board priority, justification of need, and project relationship.

All other equipment requests must not be "stand alone" pieces of hardware, but must be an integral part of a larger program which demonstrates the potential to have an impact on crime reduction or increase the efficiency of the delivery of services. A definite need should be established and program objectives stated.

Technical assistance will be provided as outlined in the technical assistance plan.

SUBGRANT DATA:

The State of Montana is divided into five planning regions. Each of the Region Advisory Councils will be budgeted $10,000 and state criminal justice agencies budgeted $10,000 as the maximum allowable to be spent on equipment funding in that particular region from LEAA funds.

Requests from police, court, and correctional agencies at the state and local level are anticipated. As a broad range of equipment is necessary, there is no limit to the amount or number of grants that can be made.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$60,000	$20,000	$80,000	75/25

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) The equipment category alone will not be evaluated by SPA staff evaluators because the majority of future equipment needs are gradually becoming incorporated in project proposals and used in conjunction with overall program results. It is a category where funding is being reduced and absorbed by other programs. It is expected some equipment purchases will be evaluated as part of some project areas. Agencies requesting equipment funds are required to evaluate their equipment by providing an internal assessment of results or impact the equipment had on their departments.

TITLE: EDUCATIONAL MATERIAL (D-4)

RELATIONSHIP TO PROBLEM ANALYSIS: Operating agencies indicated a need for educational materials, especially in areas of recent legislation requiring multi-step procedures. The problem analysis and multi-year forecast for courts, prosecution, and defense reflects this frequently expressed need.

OBJECTIVES:

To develop and/or supply as appropriate by September, 1977, the following materials to the following elements of the criminal justice system:

1. Up to 50 copies of criminal laws and procedures for corrections personnel for use in hearings and for general purposes;

2. Not to exceed 20 selected audio-visual materials relating to criminal law, procedures and techniques to one or more central repositories for re-distribution to groups and individuals with court-related activities in the criminal justice system; and,

3. Approximately 2,000 to 2,500 copies of a handbook to contain youth court procedural guidelines to be produced for the use of criminal justice practitioners, including, but not limited to, probation officers, law enforcement personnel, judges, county attorneys, defenders, and corrections personnel.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program represents a step toward achievement of the goals and standards described in the Multi-Year Forecast. It meets the immediate objectives set forth therein.

IMPLEMENTATION:

Projects anticipated within this program include purchase and distribution of selected materials already developed and production and distribution of materials in-state. Up to 50 copies of the Montana criminal code and code of criminal procedure will be distributed to corrections personnel for use in pre-hearings in matters related to parole and probation violations and for general uses. Preparation, production, and distribution of a youth court handbook will be subcontracted by an operating agency in quantities and for purposes described in the objectives above. Instructional audio-visual materials for in-service training may be purchased, rented, or produced for distribution to criminal justice practitioners. However acquired, any such materials will be transferred to a central repository to insure broad availability and usage. Numbers of audio-visual aids to be acquired are not to exceed 20. This program will be of at least three years' duration. On a multi-year basis, it is anticipated that additional guides and instructional materials will be developed in areas affected by substantial statutory and/or decisional changes in law and procedure. Technical assistance will be delivered according to the plan in this volume.

SUBGRANT DATA:

Three to five subgrants will be available under this program:

1. A subgrant not to exceed $500 to the Department of Institutions or a subdivision thereof for the provision of criminal codes to adult probation/parole officers;

2. Up to three subgrants, not to exceed a total of $1,000, for the purchase (or production) of audio-visual materials for in-service training of criminal justice practitioners;

3. One subgrant, not to exceed $8,500, to an operating agency or to an association through a unit of local government to assist in the development and statewide distribution of a handbook to serve as a guide to youth court procedures.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$10,000	$4,000	$14,000	75/25

EVALUATION:

No evaluation information was used in developing this program.

TITLE: COURTS IMPROVEMENT: STATE LAW LIBRARY (E-3)

RELATIONSHIP TO PROBLEM ANALYSIS: The introductory problem analysis for courts, prosecution, and defense and the multi-year forecast for courts facilities indicate that future courts facilities plans will be based on priorities emerging from an inventory to be conducted in 1977. An intermediary need to be addressed is the upgrading of state law library facilities attached to the state supreme court. Refer to the multi-year budget.

OBJECTIVES:

This program is aimed at increasing the utility of the state law library by October 1, 1977, by minor remodeling to gain additional storage and work space and by the acquisition of needed fixtures and facilities to improve access to legal materials, privacy, and convenience for judges and members of the practicing bar.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

A small part of overall goals, objectives, and standards detailed in the multi-year forecast will be addressed by this program.

IMPLEMENTATION:

Minor projects envisoned under this program will include those designed to make more efficient use of available space and to improve the useability of the library. Examples may include, but are not limited to, such improvements as the purchase of microfiche for older Reporter series to expand work and storage space, the installation of carrels with adequate lighting and communications, improved ventilation, and/or adequate copying facilities. This is a one-year program. It is anticipated that technical assistance may be supplied by a consultant through the American University program and in accord with the plan in this volume.

SUBGRANT DATA:

One subgrant, not to exceed $15,000, will be available under this program to the Montana Supreme Court or the office of court administration.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$15,000	$15,000	$30,000	50/50*

*The 50-50 match ratio will apply to construction expenditures. Facilities to enhance the renovation which may be defined as equipment will be funded on a 75/25 federal/state matching basis.

EVALUATION:

No evaluation information was used in developing this program. The program will receive a "level one" evaluation.

TITLE: JUVENILE RECEIVING CENTER (E-4)

RELATIONSHIP TO PROBLEM ANALYSIS: Twenty-six percent of the youth referred to Montana's juvenile courts are detained. There are only three nonsecure facilities in the state equipped to handle court-referred youth. County jails handle all the rest. Few of these jails are adequately equipped to serve juveniles.

Over 50% of these youths (90% of female detainees) have committed no criminal offense.

The SPA has developed a comprehensive plan for detention and shelter care services. This program will be used to implement a portion of that plan. Refer to the multi-year budget and Problem Analysis-Juvenile Justice section.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program is consistent with the SPA objective of establishing a minimum of five pre-disposition shelter care facilities and/or programs by 1979, and also with discussion of goals and objectives in the juvenile justice portion of the Problem Analysis section and in the Juvenile Justice Supplement to this plan.

IMPLEMENTATION:

Funds may be requested for personnel, acquisition and renovation of a facility, or equipment and/or operating expenses for two short-term facilities. The facility will be established under the supervision of a juvenile court and under no circumstances will it be included in a county or city jail. Funds will not be available for facility construction.

Juveniles will be referred to the shelter by service agencies or the juvenile court. A maximum holding period will be established to insure speedy disposition of the juvenile's case. Ideally, the facility will be used as a center for evaluations and other pre-disposition activities involving juvenile offenders.

Following evaluation of the program and any necessary revisions, state financial support will be sought for expansion of the program. The amount of federal involvement necessary through the multi-year period has not been determined.

Agencies requesting funds in this program are encouraged to request SPA technical assistance in writing their subgrant narratives to include evaluation criteria. The technical assistance plan is described in this volume.

SUBGRANT DATA:

One or two subgrants, not to exceed $40,000, are anticipated under this program. Subgrants will be awarded to county governments and administered by Youth Court officials. Only those applicants meeting subgrant narrative requirements will be funded. It is estimated that $30,000 will be used for the program, with a match ratio of 90/10, and $10,000 for construction, with a match ratio of 50/50.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$40,000	$23,000	$63,000	90/10 50/50

EVALUATION:

a) One current and one expired project were reviewed by staff evaluators and used to provide information in continuing this program.

b) Twenty-three percent of the total allocated funds in the 1975 action grant year received evaluation input. The program will be continued based on much of the information obtained from evaluation efforts.

c) Based on planning desire for more evaluation input to determine whether the program should be continued, modified, or terminated relative to 1976 action grant year projects, this program is continued at high priority in the juvenile planning area. At least one project will receive a "level two" evaluation by SPA planner/evaluators.

TITLE: LOCAL JAIL IMPROVEMENT (E-5)

RELATIONSHIP TO PROBLEM ANALYSIS: According to a 1973-74 survey and a mini-survey conducted in 1976, 66% of Montana's county jails are rated fair to poor by sanitation, safety, and security standards. Refer to the Resources section (corrections) and also to the Problem Analysis-Facilities (corrections) section. See also the multi-year budget.

OBJECTIVE: To assist local units of government in alleviating problems of sanitation, safety, and security in local jails

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS: This program is directed toward the SPA objective of modernizing local jail facilities and is relevant to discussion of corrections/facilities in the Problem Analysis section of this plan.

IMPLEMENTATION: All local jail requests will be considered if the agency can show the improvement will aid in the humane detention of individuals in terms of safety, sanitation, and security. Funds will be allocated to those facilities which can document the need for such improvement. Technical assistance will be available as outlined in this plan.

SUBGRANT DATA: The sum of $10,200 shall be made available to each region for local jail improvement. The number of subgrants from the region shall be determined at the discretion of each Regional Advisory Council.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$51,000	$51,000	$102,000	50/50

EVALUATION:

a) One project reviewed by staff evaluators provided some information used in developing the program and projects for this program category.

b) Three percent of expended funds in the 1975 action grant year received evaluation input. This evaluation input was used to determine continued funding of this program area.

c) Planning and evaluation staff decided a medium priority for evaluating projects in this program area would be appropriate. At least one project will receive a "level two" evaluation by SPA staff evaluators to assess program results. Agencies requesting funds under this program are encouraged to obtain SPA staff assistance in developing their subgrant narratives to include evaluation criteria, or to assist them in developing a capability for internal assessment at the local

level. See MBCC Instruction, Grant Application booklet, page four.

TITLE: CRIME ANALYSIS UNIT (F-4)

RELATIONSHIP TO PROBLEM ANALYSIS: In Montana, it appears there will be no rapid increase in the number of sworn officers.

Law enforcement agencies have to evaluate operational structures and maximize the deployment of resources.

Departments faced with increasing workloads must be able to justify the need for additional resources.

The Resources and Police/Problem Analysis sections of this plan discuss these matters further. See also the multi-year budget.

OBJECTIVES:

To institute crime analysis capabilities for the effective allocation and distribution of law enforcement resources in high crime incidence areas

To increase the number of crimes cleared by arrest in the subgrantee's jurisdiction by 10% by 1979

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:
Refer to NACCJSG Police report, standards 8.1, 8.3, 9.1, 9.6, and 9.8.

IMPLEMENTATION: A records and reporting system will be developed and made operational that is capable of the crime analysis function. The crime analysis function should include:

a. Periodic update of beat activity and recommendations for the most effective utilization of support cars

b. Early recognition of patterns of criminal activity

c. Preparation of daily reports of criminal activity for field personnel. An effort should be made to analyze data and relate crimes to a specific subject.

d. Crime analysis data may be used to support departmental planning efforts.

The subgrantee will be expected to prepare a final report that will be available to other law enforcement agencies wishing to establish a crime analysis unit.

SUBGRANT DATA: The initial subgrant is intended to go to the Great Falls Police Department as an integral part of its reorganization to maximize existing resources.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$10,000	$1,200	$11,200	90/10

EVALUATION:

No SPA evaluation information was consulted in development of this program. The program will require a "level two" evaluation.

TITLE: CONSOLIDATION AND SPECIAL COOPERATIVE CRIME IMPACT PROJECTS (G-1)

RELATIONSHIP TO PROBLEM ANALYSIS: While construction of modern law enforcement facilities is too costly for most individual communities, such facilities are essential to improved law enforcement.

Services, support systems, and facilities are duplicated by police and sheriff agencies while available skilled, sworn manpower is inadequate to meet the demands for service within the community.

More than half of Montana's 56 counties do not receive 24-hour law enforcement service.

Refer to the discussion of cooperative arrangements in the Resources section and to discussion of police problems and needs in the Problem Analysis section.

OBJECTIVES:

To encourage the consolidation, partial or total, of local law enforcement facilities, services, and operations by providing funding incentives

The long-range objective is to provide a more efficient police service to Montana citizens at a reasonable cost to local governments.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS: Refer to the Montana Justice Project's Police report, standard 6.5. This program is also intended to meet the SPA objective of financially assisting those cities and counties that elect to consolidate, fully or partially, in up to 75% (42) of the 56 counties by 1981.

IMPLEMENTATION: Local governments may request funds for surveys, planning, design, and remodeling of facilities to execute total or cooperative services consolidation of detention, records, communication, investigation, and joint facilities.

Funds are being made available to local governments interested in exploring the alternatives of consolidation and implementing such plans.

Technical assistance to local governments studying consolidation alternatives is being provided by the Technical Assistance Division of LEAA in cooperation with the planning staff of the SPA.

SUBGRANT DATA: No funding will be available unless a subgrantee has a documented commitment from local government and other agencies involved and submits a preliminary plan to the SPA.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$50,000	$6,000	$56,000	90/10
				50/50 construction

EVALUATION:

a) Seven current or expired projects reviewed by staff evaluators provided information used in developing the program and projects for this program category.

b) Fifteen percent of the total funds allocated in the 1975 action grant year received evaluation input. This evaluation input was used to determine progress and problems provided to management for the decision-making process for continuation of this program. Based on marked improvement in local projects, the program will continue.

c) Increased funding is anticipated in this program area and project replication is expected. Evaluation is a priority in the law enforcement area as determined by the planner/evaluators in order to further gather sufficient data to assess projects and determine funding of future projects. At least three projects (one each in the low, medium, and high population areas) will be evaluated at a level two or three by SPA staff evaluator/planners. Agencies requesting funds under this program area are required to obtain SPA staff assistance in completing their subgrant narratives to include evaluation criteria.

TITLE: TARGET-CRIME AREAS (G-2)

RELATIONSHIP TO PROBLEM ANALYSIS: The major problems in the target crime areas are similar to problems throughout the state and are included in the general problem statements of this plan for the entire criminal justice system.

This program addresses problems that are both crime reduction oriented and systems capabilities oriented. Refer to the discussion of high crime incidence/law enforcement activity areas in the Crime Analysis section. Mention is also made of CAT activity on page 59.

OBJECTIVE: To provide development and implementation funds to areas of high crime incidence selected by the SPA, by crime-specific planning, assessment of existing resources, and better utilization of present capabilities

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS: This program is related primarily to the SPA's general goal of increasing the operating efficiency and effectiveness of the criminal justice system, thereby reducing crime in the state, and to the affiliated objective of instituting system-wide crime-specific planning projects in the high crime incidence areas of the state, based on crime rate and volume criteria.

IMPLEMENTATION: The SPA has selected burglary as the target crime, based upon current crime data analysis.

The areas selected for the development of specific crime impact projects are Billings (Yellowstone County), Missoula (Missoula County), and Great Falls (Cascade County).

Continuation funds will be provided for the crime impact strategy in the target-crime areas. All elements of the local criminal justice system will participate in the development and implementation of the strategy.

The initial steps in each target crime area involve establishing a project coordinator and providing the requisite training in the theory and design of a crime impact strategy. Training will include basic management by objectives (MBO) theory and practice and will be provided for all participants in the development of the local strategy to reduce burglary. Each target crime area will then conduct its own research and devise its own strategy for implementing its own programs. The first year's funding will cover laying the groundwork and funding duration will be three years, after which time it is hoped support will be assumed by local government.

Technical assistance will be available as outlined in the Technical Assistance Plan description.

SUBGRANT DATA: Funding will be available only to the pre-selected areas.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$375,000	$42,000	$417,000	90/10

Joint Part C and Part E funding is not anticipated for this program.

EVALUATION:

a) Two projects reviewed by staff planner/evaluators provided information used in developing the program and projects for this program category.

b) All of the expended funds in the 1975 action grant year received evaluation input. This evaluation input was used to determine progress and problems provided to management for the decision-making process for continuation of this program. Based on local projects, the program will continue.

c) This program is high priority for results/impact measurement for evaluation. It is expected that evaluations will be contracted for two projects; therefore, these two projects will receive a "level one" evaluation by SPA staff planner/evaluators. Also one project in the planning phase will receive a "level two" evaluation by SPA planner/evaluators. Agencies requesting funds in this program are strongly urged to request SPA technical assistance in writing their subgrant narratives to include evaluation criteria. Applicants should meet subgrant narrative requirements listed in MBCC Instruction, Grant Application booklet, page four.

TITLE: PROJECT EVALUATION (G-7)

RELATIONSHIP TO PROBLEM ANALYSIS: A lack of correlation exists between project development and measurement of project results.

Annual action projects are sometimes developed with little concern for means or mechanisms to measure their success or failure.

Without this necessary feedback to the planning cycle, programs may continue that contribute very little to the reduction of crime or improvement of the criminal justice system.

OBJECTIVES:

To conduct intensive evaluations of selected projects or programs as determined by planning needs.

To integrate the evaluation function with the planning process and provide an assessment of accountability for program activity essential to the decision-making process of the SPA.

To incorporate evaluation as the initial part of subgrant development; to facilitate the continuing process of evaluation which takes place before, during, and after the implementation and completion of a project.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program meets the SPA objective of developing and implementing a project evaluation strategy that insures project quality and provides an information base for future planning. This objective is directed toward the goal of reducing crime and delinquency in Montana.

IMPLEMENTATION:

An acceptable level of program evaluation is necessary to provide management and local agencies with program and project results for their decision-making process.

As the planning/evaluation effort develops, the planner/evaluator can insure that grant applications fit within the program concept as envisoned. In addition, the planner will review the application for criteria necessary to perform the level of evaluation needed, monitor the project's progress from start-up to completion, and compare the end results with stated objectives.

Technical assistance will be requested from the Regional LEAA Office in Denver to provide additional training in evaluation methodology, techniques, and design.

SUBGRANT DATA:

One subgrant not to exceed $60,000 is anticipated for the SPA.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$60,000	$7,000	$67,000	90/10

EVALUATION:

a) The two-year evaluation effort, funded under a discretionary grant, provided the SPA with the resources to initiate an evaluation strategy.

b) The evaluation effort for the preceding two years indicated a need for integration of evaluation into the planning cycle.

c) The agency requesting funds under this program is required to perform an internal assessment of its project. Guidelines for preparing a subgrant application narrative capable of being internally assessed are contained in the MBCC Instruction, Grant Application booklet.

TITLE: COMMUNITY AWARENESS, CRIMINAL JUSTICE AGENCIES (H-1)

RELATIONSHIP TO PROBLEM ANALYSIS: Many criminal justice agencies are misunderstood by the media and the public. Criminal justice without citizen cooperation often operates in a vacuum of apathy.

Law enforcement agencies often cannot identify problem crimes and high crime areas and, consequently, cannot effectively combat crime or deploy patrol personnel.

The lack of public information programs is apparent. Such programs are needed to encourage crime prevention and reduction, and active citizen participation in criminal justice service and responsibility. See also program C-2.

OBJECTIVES:

To assist criminal justice agencies in developing the capability to maintain public information programs

To encourage projects oriented toward crime prevention, citizen cooperation, promotion of public trust or understanding, discouragement of delinquency, or any other purpose for which a need for improved interaction between the criminal justice system can be demonstrated and an improvement of communication anticipated.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the Montana Justice Project's Community Crime Prevention task force report.

It is a continuing objective of the SPA to assist criminal justice agencies in developing a public communication and education capability that increases public awareness and encourages public involvement in crime prevention and reduction.

IMPLEMENTATION:

Funding may be requested for personnel, transportation, per diem, equipment, operating expenses, and hand-outs and/or display materials to encourage citizen understanding and involvement in criminal justice activities. Criminal justice agencies which determine a problem area or a specified need for public cooperation may apply for funding.

The state planning agency staff will assist the agency in developing effective methods of communication and will coordinate local programs to avoid duplication of efforts.

Technical assistance will be available as outlined in the Technical Assistance Plan description.

SUBGRANT DATA:

A number of subgrants ranging from $500 to $10,000 are anticipated. Criminal justice agencies identifying a specific need and/or a specific plan for improved communication are eligible for funding under this program.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$30,000	$4,000	$34,000	90/10

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) This program category will be considered for evaluation in order to obtain sufficient data to assess results, problems or benefits in community awareness programs. One project will be evaluated at a "level two" by an SPA planner/evaluator. Agencies requesting funds under this program are required to obtain SPA staff assistance in completing their subgrant narratives to include evaluation criteria.

TITLE: INTENSIVE COUNSELING SERVICES (H-2)

RELATIONSHIP TO PROBLEM ANALYSIS: Personnel working with youth in Montana's juvenile justice system often become locked in to the procedures of processing youth. Failures with new techniques and budgetary restraints often prevent the staff from trying new programs or ideas. The day-to-day procedures become routine, and it becomes increasingly difficult to explore new ideas.

There is a need to support and encourage the development of new techniques in this field. This support is often not available from state and local government, and should be provided initially from federal sources.

Refer to discussion of problems and needs in the Problem Analysis (Juvenile Justice) section. See also the multi-year budget.

OBJECTIVE:

To reduce the incidence of juvenile recidivism by providing intensive counseling to seriously disturbed youth.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to related discussions in the Problem Analysis (Juvenile Justice) section of this plan.

In order to reduce the recidivism rates of juvenile offenders, one objective of the SPA is to provide intensive counseling for 150 seriously disturbed youth by 1979.

IMPLEMENTATION:

Funds may be requested for personnel, consultant fees, transportation, per diem, and operating expenses. Funding will be provided for three juvenile courts to implement counseling programs that are far more intensive than probation typically provides.

Several approaches to altering the behavior patterns of youth will be used to implement this project. All of the youth participating in the project will be hard-to-reach youth who have not benefited from traditional probation. Strict records will be kept on the participating youth to determine the effectiveness of the program. The program approaches will consist of group counseling, outwardbound type experiences, family counseling, and intensive supervision. Technical assistance will be available as outlined in the technical assistance plan description.

SUBGRANT DATA:

Three subgrants ranging from $4,000 to $6,000 are anticipated. The funds will be granted to units of state or local government.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$15,000	$1,700	$16,700	90/10

EVALUATION:

a) Two projects reviewed by staff evaluators in the 1975 and 1976 grant actien years provided information to determine continued funding of this program.

b) Increased funding is provided in this area, partially due to evaluation data indicating success and providing data bases for future planning in the projects currently underway. Planning/evaluation staff decided a minimal need for continued evaluation of this program area. The project now in progress will provide sufficient information for evaluation.

c) Agencies requesting funds under this program are required to perform internal assessment of their projects. Guides for preparing a subgrant application narrative capable of internal assessment are outlined on page four of the MBCC Instruction, Grant Application booklet.

TITLE: LAW-RELATED EDUCATION IN THE PUBLIC SCHOOLS (H-5)

RELATIONSHIP TO PROBLEM ANALYSIS: The introductory problem analysis on courts, prosecution, and defense in the Problem Analysis section does not deal directly with a need for this program, which is more closely related to community crime prevention. Refer to the multi-year budget.

OBJECTIVE:

To encourage the adoption of a uniform course (or courses) of law-related education in Montana public schools

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

If successful, this program would be a step toward achieving the goals, standards, and objectives detailed in the Multi-Year Forecast.

IMPLEMENTATION:

It is anticipated that this program will allow bringing together a steering committee of necessary decision-makers and interested persons to plan for development of a law-related curriculum. It would also provide for materials for committee consideration and for communication and dissemination of information related to course development. The program will be eligible for second-year funding. Technical assistance will be provided in accordance with the technical assistance plan description.

SUBGRANT DATA:

One subgrant will be available to a state agency, a non-profit corporation, the State Bar, or a unit of local government which is willing to do the necessary coordination to encourage consensus and statewide implementation.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$5,000	$600	$5,600	90/10

EVALUATION:

A previous grant to the State Bar for the general objectives of the current program was not utilized because of overwhelming organizational problems in initiating a unified bar. Public interest in the project, however, remains high, according to input from regional councils. Interviews would indicate that there is also continuing interest among decision-makers. The project will receive a "level two" evaluation.

TITLE: CRIMINAL JUSTICE INFORMATION SYSTEM (I-1)

RELATIONSHIP TO PROBLEM ANALYSIS: All criminal justice agencies will require substantially more information in the coming years. This information must be timely and in proper format to aid in decision making. It will be required for both operational and management purposes. Refer to discussion of information systems problems and needs in each substantive area in the Problem Analysis section.

OBJECTIVES:

To expand the capability of the SPA to gather and analyze information concerning criminal activity in Montana and the functioning of all parts of the criminal justice system.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the Montana Justice Project's Information Systems task force report.

The SPA has an objective of expanding its own capability to gather and utilize all information concerning crime and criminal activities and functional resources of the criminal justice system by 1981. Not only is this information analyzed and returned to the field but it also becomes the basis for setting SPA goals, objectives, and priorities and for planning future action strategy.

IMPLEMENTATION:

Funding will be requested to support on-going computer applications, expenses incurred in the design and development of new systems or applications, and providing personnel support for new applications.

The SPA is moving away from system improvements and more toward crime specific planning. In order for this to be successful the criminal justice data center will need to look at target crimes in more detail than has been the case to date. In addition new information bases must be programmed for rapid retrieval and flexible analysis of accumulated data. Technical assistance will be available as outlined in this plan.

SUBGRANT DATA:

One grant to the SPA in the amount of $20,000 is anticipated.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$20,000	$3,000	$23,000	90/10

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) This program area is not a priority category requiring an SPA staff evaluation component. It is expected an internal assessment will be sufficient for measuring program results. The agency requesting funds under this program is required to perform an internal assessment of its project. Guides for preparing a subgrant application narrative capable of internal assessment are outlined on page four of the MBCC Instruction, Grant Application booklet.

TITLE: COMMUNICATIONS (I-2)

RELATIONSHIP TO PROBLEM ANALYSIS: Many law enforcement agencies do not have continuous contact with their sworn officers during the officers' tours of duty.

Some law enforcement agencies do not have adequate station to station communications equipment.

Some criminal justice agencies that require communication capabilities with their personnel do not have the necessary equipment. These problems and needs are discussed in the Problem Analysis (Police) section. Refer also to the multi-year budget.

OBJECTIVES:

To have immediate communications capabilities with each sworn officer while he/she is on duty

To continue the implementation of a statewide law enforcement communication system to the level previously established in the overall communication plan

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the NACCJSG Police report, standards 23.1, 23.2, and 23.3.

The SPA has an objective to insure that all law enforcement personnel in the state have round-the-clock communication, via radio, by providing the necessary communications equipment by 1981.

IMPLEMENTATION:

Funding may be requested for radios and auxiliary equipment such as repeater hardware and computer relays installation, and technical assistance.

The SPA is funding the State Communications Division to provide user assistance in licensing, frequency coordination, engineering trouble shooting, and preparing specifications for bidding. The Communications Division provides direction and technical assistance in all areas of communications improvement.

Technical assistance will be available from the SPA as outlined in this plan.

SUBGRANT DATA:

Any communications equipment purchased must meet the standards and prices as set by the state purchasing agency. The State Communications Division reviews each subgrant application to determine that the requested equipment meets the specifications established in the state communication plan. The Communications Division checks on frequency coordination and licensing prior to any subgrant award.

One or two subgrants will be made to the Department of Administration for technical assistance. Additional subgrants will be made to state and local government units for equipment and services within the state communications plan.

Funding will not cover the installation costs of mobile vehicle communications equipment.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$70,000	$24,000	$94,000	75/25 90/10 on repeaters

EVALUATION:

a) One project reviewed by staff planner/evaluators provided information used in developing the program and projects for this program category.

b) Eighteen percent of the total funds allocated in the 1975 action grant year received evaluation input. This evaluation input was used to determine progress and problems provided to management for the decision-making process for continuation of this program. Based on marked improvement in local projects, the program will continue.

c) This program category is in the process of gearing down; therefore, future evaluation need for decision making will decrease. No SPA staff evaluations will be done. It is expected an internal assessment will be sufficient for measuring program results. Agencies requesting funds under this program are required to perform internal assessment of their projects. Guides for preparing a subgrant application narrative capable of internal assessment are outlined on page four, MBCC Instruction, Grant Application booklet.

TITLE: CRIMINAL JUSTICE INFORMATION SYSTEM SERVICES (I-4)

RELATIONSHIP TO PROBLEM ANALYSIS: An integrated network of criminal justice information systems must be implemented for collecting, processing, and disseminating data. Considerable use of the latest information system technology involving computers, telecommunications, and terminals will be required to operate a single, complete information network linking all criminal justice agencies. The network must be operational on a 24-hour, seven-day-a-week basis.

The criminal justice system network must correspond to four levels of governmental jurisdiction: federal, state, local, and the informational needs of individual criminal justice components: police, courts, and corrections.

These problems are discussed in the Problem Analysis section of this plan. See also the multi-year budget.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the Montana Justice Project's Information Systems report, standards 1.1 through 1.8, and 2.1 through 2.12. This program is consistent with the SPA objective of developing and implementing an integrated network of criminal justice information systems among operating agencies by 1981.

IMPLEMENTATION:

The Montana SPA has assumed the leadership for the development of a statewide information systems plan. Until such time as the plan is completed there will be a moratorium on the purchase of computer hardware and software with LEAA funds.

Technical assistance will be available as outlined in this plan.

SUBGRANT DATA:

One or two subgrants are anticipated upon completion of the statewide system plan to begin the implementation.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$100,000	$12,000	$112,000	90/10

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) The planners desire more evaluation input to determine whether the program should be continued, modified, or terminated. It is expected there will be a high demand for funds from this program category and the chance of replication is expected; therefore, this program is considered a high priority in the systems services for evaluation. Approximately two grants will be evaluated, one at a level two and one at a level three, by SPA planner/evaluators. Agencies requesting funds in this program are strongly urged to request SPA technical assistance in writing their subgrant narratives to include evaluation criteria. Only those applicants meeting subgrant narrative requirements listed on page four of the MBCC Instruction, Grant Application booklet and in the guidelines for information systems subgrant applications will be funded.

TITLE: JUVENILE PROBATION INFORMATION SYSTEM (I-5)

RELATIONSHIP TO PROBLEM ANALYSIS: Montana's juvenile court system is composed of 18 separate judicial districts, each of which has its own juvenile probation department. Records and information about the activities of these departments are virtually non-existent. Each department has some type of recordkeeping system but these vary tremendously in levels of sophistication. The SPA has maintained a central recordkeeping system for several years, but information is based on referrals rather than actual youth served.

There is a tremendous need for an information system that will provide management information to the courts that is timely and meaningful. This information should also have the potential of being aggregated at the state level for purposes of statewide planning.

These problems are further discussed in the juvenile justice portion of the Problem Analysis section. Refer also to the multi-year budget.

OBJECTIVE:

The objective of this program is to provide juvenile probation officers throughout the state with a computerized information system geared especially to their needs. The system will be designed to provide each probation officer specific summary reports that will enhance his ability to manage his day-to-day activities. In addition, the system will supply the SPA with a wealth of new information relating to juvenile activity in the criminal justice system.

Juvenile probation officers have been heavily involved in the design of this program and maintain a users committee to provide constant guidance.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program is aimed at the SPA objective of providing all juvenile probation officers with a computerized information system designed to meet the unique information needs of the juvenile justice system by 1977.

IMPLEMENTATION:

Funding will be requested to support design and development activities, computer support, printing of input forms, and travel and per diem.

Technical assistance will be available as outlined in this plan.

SUBGRANT DATA:

One subgrant to the SPA in the amount of $10,000 is anticipated.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$10,000	$1,200	$11,200	90/10

EVALUATION:

a) No sources of evaluation data were consulted in developing this program.

b) There has been no evaluation data to influence the development of this program.

c) In order to gather sufficient data for funding determination for continuing projects in this area in the future, this program area has been designated a high priority for evaluation. The project funded will be evaluated at a level two, and the agency requesting funds under this program is requested to obtain SPA staff assistance in completing its subgrant narrative to include evaluation criteria.

TITLE: UNIFORM RECORDKEEPING, REPORTING, AND PROCEDURES MANUALS (I-11)

RELATIONSHIP TO PROBLEM ANALYSIS: As noted in the introductory problem analysis for the Multi-Year Forecast for courts, prosecution, and defense, management and performance information systems for courts and prosecution are a critical first step toward establishing administrative and planning capabilities in those operating agencies.

The development and distribution of manuals for uniform recordkeeping, reporting, and procedures represent a one-time expenditure to initiate that first step. Refer also to the multi-year budget.

OBJECTIVE:

One objective of this program is to provide a basis for court and prosecution information systems by the development and distribution of manuals for uniform recordkeeping and reporting on caseload management. Another objective is to assist prosecution in the development of uniform crime charging standards and/or in the production of model misdemeanor ordinances for local governments.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program represents a preliminary effort to initiate courts and prosecution information systems as outlined in goals, standards, and objectives in the Multi-Year Forecast section.

IMPLEMENTATION:

Costs associated with the development of manuals and uniform procedures for courts and prosecution may be met through this program. The project will fund such activities as collection of relevant materials and samples from other states, some needed travel for participants in the developments, and one or more subcontracts, if necessary, for preparation and publication of any manuals so developed. It is anticipated that the program will allow for the completion of at least one manual for courts administrative personnel and one manual for prosecutors. It may be that production of more than one handbook for prosecutors will be possible. The project is designed for one year. Technical assistance will be in accordance with the plan described in this volume.

SUBGRANT DATA:

Two or three subgrants will be available under this program. One will be available to the office of court administration for a handbook for uniform recordkeeping and reporting of judicial information. Another will be made available to the office of county attorney coordinator for a manual or other guide to the collection and reporting of prosecutorial information. Neither of these grants is to exceed $7,500. If neither, or only one, of the above described subgrants is applied for by May 1, 1977, at least one subgrant not to exceed $7,500 will be made available to the office of the county attorney coordinator or to the City Attorneys' Association (a subdivision of the Montana League of Cities and Towns) for the preparation and production of a guide to uniform crime-charging standards or a manual of model misdemeanor ordinances for local governments.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part C	$15,000	$1,700	$16,700	90/10

EVALUATION:

No evaluation information was used in the development of this program. The program will receive a "level two" evaluation.

SUPPLEMENT

1977

PART "E" CORRECTIONS

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

APPLICATION FOR ACTION GRANT

Application Is Hereby Made For A Grant In The Amount Of $140,000 Under Title I, Part E of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 197), As Amended by P.L. 91-644, 84 Stat. 1880).

BY

MONTANA

Planning Agency Administrator (Name, title, address, and telephone number)

Michael A. Lavin
Administrator
1336 Helena Avenue
Helena, Montana 59601
Phone: (406) 449-3604

Financial Officer: (Name title, address and telephone number)

Mrs. Margaret Crutcher
Finance Officer
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Phone: (406) 449-3604

1. This application is supported by:

   The attached supplement to Comprehensive Plan dated August, 1976.

2. The undersigned represents, on behalf of the applicant agency that:

   a. Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with the General Conditions Applicable to Administration of Grants under Part C and Part E, Title I of P.L. 90-351, as amended, as set forth in Appendix 4-3.

b. Funds awarded will be used only for the programs described in the Section entitled "Annual Action Programs" as set forth in the approved Comprehensive Law Enforcement Plan or in any amendment thereto duly filed with and approved by the Law Enforcement Assistance Administration.

c. Not more than one-third of the gross amount of this grant will be expended for compensation of police and other regular law enforcement personnel, exclusive of compensation for time engaged in conducting continuing training programs, or compensation for personnel engaged in research, development, demonstration of other short-term programs.

d. Any grant funds so expended for compensation of personnel subject to the one-third limitation will be matched by state or local expenditures for increased personnel compensation of equal amount.

3. The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. Part 42) issued pursuant to that title, to the end that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Department of Justice. The State Planning Agency further will comply with and insure compliance by its subgrantees and contractors with Justice Department equal employment regulations in federally assisted programs (28 C.F.R. Part 42, Sub-part D) to the end that employment discrimination in such programs on the grounds of race, color, creed, sex, or national origin, shall be eliminated. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing convenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

4. This application (submitted in 12 copies) consists of the following in addition to this form:

   1) Statements of Goals, Objectives, and Standards; Multi-Year Forecast and Budget

   2) Description of Action Programs

   3. Part E Special Requirements

Signature: Nate Dawn

Date: 8/31/76

PART E - GOALS

Replication in Montana's high crime areas of programs in pre-trial release, diversion, or informal settlements that have had proven success in other localities

Statewide availability of social service referral services and their appropriate utilization by courts

PART E - OBJECTIVES

For state and local governments:

To make appropriate referral services available to Montana courts by 1979 (state government)

To institute or continue programs in 1976-78 that utilize referral services for prosecutorial diversion in three localities (local government)

For action programs:

To demonstrate, by 1979, in one high crime area, the feasibility of replication of citizen dispute settlement programs or other exemplary diversionary projects as useful and cost-effective techniques in Montana

To demonstrate, by 1979, by development of a coordinated program affiliated with one district court in a high crime area the efficacy of utilizing currently available community referral services for pre-sentence evaluations and/or as conditions of probation in sentences in which the imposition is deferred

PART E - STANDARDS

Refer to the Montana Justice Project's Courts report, standards 2.1 and 2.2, the Corrections report standards 3.1 through 3.3, and in conflict with these two reports, the Law Enforcement report standard 9-B; the Community Crime Prevention report standard 2.4, and standards incorporated in annual plans of the Department of Institutions for mental health, alcohol abuse, and drug abuse.

Limitations on ability to achieve: feasibility of implementation, high cost, need for technical assistance, lack of knowledge of availability of current services, limited availability of referral services.

PART E - MULTI-YEAR FORECAST

1. Methods of acquiring data on state and local programs:

Data on state programs offering referral services may be acquired from the Department of Institutions and the Department of Social and Rehabilitative Services. Data on local programs utilizing referral services for court-related functions is partly available from the state agencies mentioned above and partly from individual courts (especially youth courts).

2. State and local allocations of other resources:

Refer to general problem analysis on courts, prosecution, and defense in the comprehensive plan.

3. Results expected and their relationship to goals:

Referral services, especially juvenile services, will be more widely distributed by 1979. Courts will become more aware of the availability of such services and will refer offenders more often to community agencies or organizations. More specific results will accrue from the action programs described below. A beginning will be made toward achievement of the goals. Formal diversion and court referral standards and techniques will be developed in at least two additional high crime areas by 1978 and will be demonstrably adaptable to the remaining eight high crime areas by 1979 thus partly achieving the first goal. Cooperation developed between the judicial branch and state social service agencies should aid in approaching the second goal by 1979.

4. Relationship to block grants:

The action grants are designed to be responsive to courts' and prosecutors' expressed need for available and appropriate referral services, both in the framework of diversionary programs and in the context of sentencing decisions.

PART E - MULTI-YEAR BUDGET (1977)

Program	LEAA	State or Local	Total	Percentage
P-11	31,500	3,500	35,000	90/10
P-22	25,000	2,800	27,800	90/10
P-23	28,500	3,200	31,700	90/10
P-24	15,000	1,700	16,700	90/10
P-25	40,000	4,500	44,500	90/10
TOTAL	140,000	15,700	155,700	

TITLE: SECURITY EQUIPMENT FOR MONTANA STATE PRISON (P-11)

PROBLEM:

The new Montana state Prison is scheduled for completion and occupancy in late 1976.

The physical environment of the new institution was designed to achieve the objectives as stated in paragraph 4 of Standard 11.1 (NACCJSG).

With the elimination of the old "walled fortress" structure the new facility will need an electronic security system and security fencing that will not detract from the physical surroundings but still provide the necessary security.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

See reference to national standard above.

IMPLEMENTATION:

Funding will be made available to the Montana State Prison through the Montana Department of Institutions to purchase and install a security alarm system and fence.

SUBGRANT DATA:

A subgrant not to exceed $31,500 will be made to the Department of Institutions.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part E	$31,500	$3,500	$35,000	90/10

EVALUATION:

a) No sources of evaluation data were consulted in development of this program.

b) There has been no evaluation data available to influence the development of this program.

c) It has been determined that this program area is not a priority category requiring an evaluation component. It is expected an internal assessment will be sufficient for measuring program results. The agency requesting funds under this program is required to perform an internal assessment of its project. Guides for preparing a sub-grant application narrative capable of internal assessment are outlined on page four of the MBCC Instruction, Grant Application booklet.

TITLE: PRE-TRIAL DIVERSION OF SELECTED ADULT OFFENDERS (P-22)

PROBLEM:

The problem analysis preceding the Multi-Year Forecast for courts, prosecution, and defense points out that there is a high probability that most Montana prosecutors utilize informal diversion of adult offenders. This program would seek to demonstrate the feasibility and desirability of formalizing certain kinds of diversion procedures. Refer also to the multi-year budget.

OBJECTIVES:

The purpose of this program is to replicate (with necessary or desirable local modifications), in one of Montana's high crime areas, a program in pre-trial release, diversion, or informal administrative disposition that has had proven success in other localities.

RELATIONSHIP TO GOALS, STANDARDS, AND OBJECTIVES:

This program would implement, on a small scale, goals, standards, and objectives described in the multi-year forecast.

IMPLEMENTATION:

One replicable project could be initiated in diversion in a Montana high crime area. One such successful program is already underway in the state. Other projects include, but are not limited to, those designated as exemplary projects by the National Institute for Law Enforcement and Criminal Justice. It is anticipated that such a project would provide for diversion of selected adult offenders by a program of pre-trial release, deferred prosecution, or pre-trial administrative disposition according to standard criteria for screening, disposition, and evaluation, and utilizing volunteers, law students, or para-professionals. A three-year funding program is envisioned. Technical assistance would be provided for initiation and evaluation of the project by consultants with experience in the replicable project to be funded and in accordance with the state technical assistance plan.

SUBGRANT DATA:

This program contemplates one subgrant to the office of a prosecutor or unit of local government in a Montana high crime area (as "high crime area" is defined elsewhere in this plan.)

BUDGET:

	LEAA	State or Local	Total	Percentage
Part E	$25,000	$2,800	$27,800	90/10

EVALUATION:

Evaluation information used was generated by exemplary projects in diversion and by a project in deferred prosecution in Yellowstone County. The relative success of these programs prompted planning for more extensive replication. The program would require a "level two" evaluation.

TITLE: PRE-SENTENCE UTILIZATION OF COURT REFERRAL SERVICES (P-23)

PROBLEM:

The limited availability of social services for courts' referral, together with the limited use made of those services that are available, was noted in the problem analysis introducing the multi-year forecast for courts, prosecution, and defense. This program is designed to demonstrate the benefits, if any, of increased utilization by courts of available social services as sentencing alternatives or for pre-sentence evaluations. Refer also to the multi-year budget.

OBJECTIVES:

The objective of this program is to demonstrate, by development of a coordinated project affiliated with one district court in a high crime area, the efficacy of utilizing currently available community referral services for pre-sentence evaluations and/or as conditions of probation in sentences in which the imposition is deferred.

RELATIONSHIP TO GOALS, STANDARDS, AND OBJECTIVES:

The program will represent a partial implementation of the goals, standards, and objectives outlined in the multi-year forecast.

IMPLEMENTATION:

One district court in a high-crime area where community referral services are available may initiate a coordinated program to make effective use of these services for pre-sentence alternatives. The project will require at least one administrative person to inventory and analyze available services and to coordinate follow-up, and evaluate referrals. Examples of appropriate community services include those offered by regional (or local) mental health centers, centers for the treatment of alcohol and/or drug abuse, schools and training centers, job placement centers, etc. An evaluation component will be included in the program, which should be replicable, if successful, in other high-crime areas in the state. It is anticipated that such a project would be grant-funded for two to three years in order to develop sufficient data for useful evaluation. Technical assistance will be provided by consultants and in accordance with the state comprehensive plan.

SUBGRANT DATA:

One subgrant is anticipated to a district court, the office of court administration, or a unit of local government for a project in a high crime area. "High-crime area" is defined elsewhere in this plan.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part E	$28,500	$3,200	$27,800	90/10

EVALUATION:

No evaluation information was used. This program will be intensively evaluated at "level three."

TITLE: SWAN RIVER EDUCATION PROGRAM (P-24)

PROBLEM:

The population of Swan River Youth Forest Camp (SRYFC) has virtually doubled over the last three years. This has caused numerous staffing problems for the camp in all areas. The increase in the population has been caused by an increase in the number of adults transferred from the State Prison. Many of these inmates are lacking a basic education and wish to pursue a GED certificate. At the present time the camp has only one teacher to provide instruction for taking the GED examination.

The increase in population has also caused problems in controlling the general population. This problem is magnified by the lack of individual rooms, and the lack of adequate recreational equipment. There is no physical education program at the camp, because the education program is limited to GED preparation. The administration of the camp has expressed a desire to implement a total program geared toward outdoor education that would satisfy the needs for physical education and recreation. The outdoor education program has also been proven to have therapeutic value.

OBJECTIVE:

To assist the Swan River Youth Forest Camp in staffing and equipping a comprehensive educational program

IMPLEMENTATION:

One position will be funded to the educational section of SRYFC. This position will work toward preparing youth for taking the GED examination, and manage an outdoor education program similar in concept to "Outward Bound". Equipment for the outward bound program may also be funded from this program.

SUBGRANT DATA:

One grant will be awarded to SRYFC to enhance its educational program.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part E	$15,000	$1,700	$16,700	90/10

EVALUATION:

No evaluation information was used.

TITLE: ALCOHOL & DRUG ABUSE TREATMENT (P-25)

PROBLEM:

The Federal Drug Abuse Office and Treatment Act of 1972 directed the development and promulgation of a comprehensive, coordinated, long-term strategy for all drug abuse prevention and drug traffic functions conducted, sponsored, or supported by the federal government. Refer to "Alcoholism and Drug Abuse in Montana" and to "Indian Criminal Justice Systems."

The 1974 Montana Legislature passed legislation, which subsequently became law, that recognized alcoholism as an illness, and provided that proper treatment programs for alcoholism be established, maintained, and encouraged. Throughout Montana's communities the police and courts experience a high recurrence of problem drinkers and/or drug abusers being processed through the criminal justice system.

Alcohol and drug abuse are associated with offenses in at least half of the current population at Montana State Prison, according to staff estimates. Virtually the entire younger population (80-90%) has abused alcohol or drugs at some point. For a lesser proportion of the population, drug or alcohol abuse was the precipitating factor in their present incarceration.

OBJECTIVE:

To treat alcohol and/or drug abusers in the community or in security settings through detoxification and comprehensive rehabilitation services

To provide a viable method of reform to return the treated to society to live a normal productive life

To increase the employment rate among those treated through counseling and job placement

To reduce the incidence of alcohol/drug related crimes by reducing the number of those affected committing such crimes, thus reducing the number of repeat offenders processed through the criminal justice system

IMPLEMENTATION:

Funding under this program will be available for alcoholism and other drug abuse treatment in the community and in security settings. Technical assistance will be furnished in accordance with the plan description in this document.

SUBGRANT DATA:

At least two subgrant requests are anticipated for this program not to exceed $40,000 total.

BUDGET:

	LEAA	State or Local	Total	Percentage
Part E	$40,000	$4,500	$44,500	90/10

EVALUATION:

No evaluation information was used.

PART E SPECIAL REQUIREMENTS

1. SUMMARY PAGE REFERENCE: A PAGE REFERENCE TO THE LOCATION OF ALL TEXT AND DATA PERTINENT TO THE PART E COMPREHENSIVE STATEWIDE PROGRAM FOR CONSTRUCTION, ACQUISITION, OR RENOVATION OF CORRECTIONAL INSTITUTIONS AND FACILITIES AND THE IMPROVEMENT OF CORRECTIONAL PROGRAMS AND PRACTICES THROUGHOUT THE STATE.

   Page references are to the 1977 Montana Plan for Criminal Justice Improvement.

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2. PROVIDE SATISFACTORY ASSURANCES THAT THE CONTROL OF THE FUNDS AND TITLE TO PROPERTY DERIVED THEREFROM SHALL BE IN A PUBLIC AGENCY FOR THE USES AND PURPOSES PROVIDED IN PART E AND THAT A PUBLIC AGENCY WILL ADMINISTER THOSE FUNDS AND THAT PROPERTY.

This assurance is incorporated in this grant application and automatically provided with SPA execution of this application.

3. PROVIDE SATISFACTORY ASSURANCES THAT THE AVAILABILITY OF FUNDS UNDER PART E SHALL NOT REDUCE THE AMOUNT OF FUNDS UNDER PART C WHICH A STATE WOULD, IN THE ABSENCE OF PART E, ALLOCATE FOR THE PURPOSES OF CORRECTION.

   a. The State has retained the aggregate Part C investment in correctional program patterns reflected in the multi-year projections of prior comprehensive plans; and

   b. The Part C commitment to corrections reflects at least a continuance of prior years planned and funded emphasis.

4. CERTIFY THAT PART E PROGRAMMING WILL UTILIZE ADVANCED TECHNIQUES IN THE DESIGN OF INSTITUTIONS AND FACILITIES.

   It is hereby certified that Montana will utilize advanced techniques in the design of institutions and facilities. Montana will probably not become involved in the following but if so, and if Part E funds are used, it will only be with LEAA approval:

   a. Construction of an adult facility having an operating capacity in the aggregate of more than 400 persons or a total site preparation, construction, and outfitting cost of more than $8 million.

   b. Construction of a juvenile facility having an operating capacity in the aggregate of more than 150 persons or a total site preparation, construction, and outfitting costs of more than $4 million.

5. CERTIFY THAT WHERE FEASIBLE AND DESIRABLE PROVISIONS WILL BE MADE FOR THE SHARING OF CORRECTIONAL INSTITUTIONS AND FACILITIES ON A REGIONAL BASIS.

a. It is hereby certified that where feasible and desirable, provisions will be made for the sharing of correctional institutions and facilities on a regional basis.

b. Wherever a correctional institution or facility is proposed for a single urban center and there are adjacent suburban areas with insufficient offenders to warrant a separate facility and for which there is no provision in this plan for access to comparable facilities, it shall be presumed that regional sharing is feasible and desirable.

c. It is recommended that any federal funds being used for upgrading detention facilities be given on a priority basis to those considering consolidation. See 1977 Consolidation Action Program, G-1.

6. PROVIDE SATISFACTORY ASSURANCES THAT THE STATE IS ENGAGING IN PROJECTS AND PROGRAMS TO IMPROVE THE RECRUITING, ORGANIZATION, TRAINING, AND EDUCATION OF PERSONNEL EMPLOYED IN CORRECTIONAL ACTIVITIES, INCLUDING THOSE OF PROBATION, PAROLE AND REHABILITATION.

Please refer to specification No. 12 below. It is hoped the programs initiated within Part C for training and manpower will insure at least 80 hours of recruit training and at least 20 hours of in-service training per year for all correctional personnel.

7. THE STATE PLAN MUST SPECIFY WITH RESPECT TO CONSTRUCTION OR RENOVATION OF CORRECTIONAL INSTITUTIONS OR FACILITIES, THAT IN THE PLANNING AND DEVELOPMENT OF ARCHITECTURAL DESIGN OR CONSTRUCTION DRAWINGS THE GRANTEE OR SUBGRANTEE WILL:

(1) CONSULT WITH AND PROVIDE RELEVANT DOCUMENTS TO THE NATIONAL CLEARINGHOUSE FOR CRIMINAL JUSTICE PLANNING AND ARCHITECTURE AT THE UNIVERSITY OF ILLINOIS.

(2) OBTAIN A CERTIFICATION OF COMPLIANCE WITH NATIONAL STANDARDS.

(3) VERIFY THAT NO FUNDS WILL BE EXPENDED UNTIL SUCH CERTIFICATION IS OBTAINED.

The Montana SPA shall continue to comply with the above conditions. The SPA shall coordinate the consultation with and providing of relevant documents to the National Clearinghouse for Criminal Justice Planning and Architecture, and fulfill other requirements as necessary.

8. THE STATE PLAN MUST REFLECT THAT WITH RESPECT TO CORRECTIONAL INSTITUTIONS OR FACILITIES, OR PORTIONS THEREOF, PART E GRANT FUNDS WILL NOT BE USED FOR ROUTINE REPAIR, MAINTENANCE, OR UPKEEP PURPOSES AND FURTHER, WITH RESPECT TO CONSTRUCTION, ACQUISITION AND RENOVATION, MAY BE USED ONLY FOR SUCH INSTITUTIONS AND FACILITIES OR PORTIONS THEREOF, WHICH SUBSTANTIALLY PROVIDE OR CONTRIBUTE TO PROVIDING CONFINEMENT OR REHABILITATION FOR THOSE CHARGED WITH OR CONVICTED OF VIOLATION OF THE LAW.

It is hereby certified that Part E grant funds will not be used for routine repair, maintenance or upkeep purposes. Funds for contruction, acquisition and renovation shall be used only for institutions and facilities which substantially provide or contribute to providing confinement or rehabilitation for those charged with or convicted of violation of the law.

9. CERTIFY AS A CONDITION FOR RECEIPT OF PART E FUNDS FOR THE PLANNING, CONSTRUCTION, ACQUISITION, OR RENOVATION OF ADULT OR JUVENILE CORRECTIONAL INSTITUTIONS OR FACILITIES, THAT THE SPA WILL REQUIRE THAT ALL APPLICANTS FOR SUCH FUNDS DEMONSTRATE ADHERENCE TO THE FOLLOWING PROGRAM ELEMENTS (TO THE EXTENT APPLICABLE TO THE PARTICULAR PROJECT PRESENTED AND AREA OR REGION TO BE SERVED BY THE PROPOSED FACILITY).

All applicants for Part E funds shall adhere to the following program elements (to the extent applicable to the particular project presented and area or region to be served by the proposed facility):

a. Responsible use of alternatives to incarceration, including but not limited to referral and bail practices, diversionary procedures, court sentencing practices, comprehensive probation resources, and the minimization of incarceration by state and local parole practices, workstudy release or other programs assuring timely release of prisoners under adequate supervision. (Applications should indicate the areas to be served, comparative rates of dispositions for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.)

b. Special provision for the treatment, particularly in community-based programs, of alcohol and drug abusers.

c. Architectural provision for the complete separation of juvenile, adult female, and adult male offenders.

d. Specific study for the feasibility of sharing facilities on a regional (multi-state or multi-county or regional within states, as appropriate) basis.

e. Architectural design of new facilities providing for appropriate correctional treatment programs, particularly those involving other community resources and agencies.

f. Willingness to accept in the facilities persons charged with or convicted of offenses against the United States, subject to negotiated contract agreements with the Bureau of Prisons.

10. CERTIFY THAT SPECIAL ADMINISTRATIVE REQUIREMENTS DEALING WITH OBJECTIVES, ARCHITECTURAL AND COST DATA, CONTRACTUAL ARRANGEMENTS, ETC., WILL BE MADE APPLICABLE TO SUB-GRANTEES AND CONTRACTORS.

It is hereby certified that:

a. Applications for construction funds, in addition to meeting the requirements of paragraphs (a) through (f) above, shall be accompanied by a statement of objectives of the proposed facilities, architectural programs, schematics, outline specifications, and cost estimates.

b. Applications for construction funds shall include certification of the manner and means through which needed contractual services (site preparation, utility installation, building construction, purchases of equipment and fixtures, etc.) will be obtained in accordance with the applicable provisions of appropriate State and/or local law, rules or regulations. This must normally include some system of competitive bid solicitation. The use of separate contracts for construction and equipment is encouraged.

c. Grants or subgrants of Part E funds for facilities construction or renovation, regardless of size, shall require that architectural and other needed professional services shall be obtained upon the basis and consideration of professional competence to deliver the required services. Contractual fee obligations for such services shall be in accordance with the prevailing suggested fee schedules of recognized professional organizations, such as the American Institute of Architects.

d. The foregoing requirements shall be incorporated as part of the standard fiscal conditions for award of Part E grants, applicable to State Planning Agencies and their subgrantees and contractors.

11. PROVIDE A SHOWING OF HOW THE PART E PROGRAMMING PROVIDES SATISFACTORY EMPHASIS ON THE DEVELOPMENT AND OPERATION OF COMMUNITY-BASED CORRECTIONAL FACILITIES AND PROGRAMS, INCLUDING DIAGNOSTIC SERVICES, HALFWAY HOUSES, PROBATION, AND OTHER SUPERVISORY RELEASE PROGRAMS FOR PREADJUDICATION AND POST-ADJUDICATION REFERRAL OF DELINQUENTS, YOUTHFUL OFFENDERS, AND COMMUNITY-ORIENTED PROGRAMS FOR THE SUPERVISION OF PAROLEES.

First, Montana has provided assurance based on a presumption that the specification has been met based on the fact that 100 percent of the State's Part E allocation is to be invested in community based programs. Second, Montana has invested funding both in planning and action in community-based correctional facilities and programs, and will emphasize assistance to the more populous areas rated with a high crime index.

Compliance with this provision is found in Part C Programming.

12. PROVIDE THE STATE'S PERSONNEL STANDARDS AND PROGRAMS FOR CORRECTIONAL PERSONNEL WHICH REFLECT ADVANCED PRACTICES. IF THESE STANDARDS AND PROGRAMS REFLECTING ADVANCED PRACTICES DO NOT CURRENTLY EXIST, EXPLAIN WHAT STEPS THE STATE IS TAKING TO ESTABLISH ADVANCED PERSONNEL STANDARDS AND PROGRAMS. WHEN WILL THESE STANDARDS AND PROGRAMS BE COMPLETED?

Montana is maintaining in the aggregate both the Part C and Part E investment in advanced practices relating to personnel standards and programs reflected in the prior comprehensive plans. The SPA will condition subgrants in accordance with such standards and programs.

Refer to Part C Programs:

PROGRAM:		PAGE:
B-5	Division of Corrections Training	360
B-7	Juvenile Probation In-Service	362

13. SHOW HOW THE PART E PROGRAMMING PROVIDES SATISFACTORY EMPHASIS ON THE DEVELOPMENT AND OPERATION OF NARCOTIC AND ALCOHOLISM TREATMENT PROGRAMS IN CORRECTIONAL INSTITUTIONS AND FACILITIES AND IN CONNECTION WITH THE PROBATION OR OTHER SUPERVISORY RELEASE PROGRAMS FOR ALL PERSONS INCARCERATED OR ON PAROLE WHO ARE DRUG ADDICTS, DRUG ABUSERS, ALCOHOLICS, OR ALCOHOL ABUSERS.

See Part E Program Narrative for Target Group. Also, see "Related Plans, Programs, and Systems," "Alcohol and Drug Abuse in Montana," and Part C program A-5 (Clinical Services).

14. SHOW HOW THE STATE PLANS TO PROVIDE FOR ACCURATE AND COMPLETE MONITORING OF THE PROGRESS AND IMPROVEMENT OF THE CORRECTIONS SYSTEMS. THE MONITORING MUST INCLUDE THE RATE OF PRISONER REHABILITATION AND RATES OF RECIDIVISM IN COMPARISON WITH PREVIOUS PERFORMANCE OF THE STATE OR LOCAL CORRECTIONAL SYSTEMS AND CURRENT PERFORMANCE OF OTHER STATE AND LOCAL PRISON SYSTEMS NOT INCLUDED IN THIS PROGRAM.

a. Refer to "Provision for Evaluation."

b. Part C Programs will also be directed to this effort:

PROGRAM:	PAGE:
Local Jails (E-5)	379
Project Evaluation (G-7)	384
CJS Information System (I-1)	390
Offender Based Statistical Information System (Discretionary Grant)	

COMPLIANCE WITH FUNDING LIMITATIONS

61-a(1) Funds Available to Local Units

A. L.E.A.A./Census Bureau Data:

State Law Enforcement Expenditures - 41.8%
Local Law Enforcement Expenditures - 58.2%

B. SPA Allocation:

Part C Block	$1,329,000
State Availability	555,522
Local Availability	773,478
Other: Small State Supplement	140,000
Part E	140,000

C. Construction Costs:

Part C Total	106,000
Court Facility Improvement	15,000
Jail Improvement	51,000
Juvenile Receiving Center	40,000

D. Personnel Compensation

a. Estimated total personnel compensation in all Part C programs - 342,000

b. Estimated total personnel compensation in all Part C programs for police or other regular law enforcement personnel - 342,000

c. Estimated total increase in personnel of implementing agencies - 0

d. Estimated expenditures from federal share for the increased personnel compensation in (c) above - 0

WAIVER BY LOCAL UNITS

61-a(2) Waiver by Local Units

A percentage of the federal planning grant to a state must be made available to units of general local government, or combinations thereof, to enable such units to participate in the formulation of a comprehensive statewide crime control plan.

There are two major methods of doing this:

1. A state staff of advisors to be made available to the regions for planning, research and regional program development.

2. Subgranting planning funds to each Regional Advisory Council. In this case each Region receives a subgrant based upon the population within the region upon application to the SPA.

The duly appointed members of the Regional Advisory Councils, having been fully apprised of the alternatives and dollars available have the option to waive the right to direct receipt of planning funds or acknowledge that a state staff is the most appropriate means of criminal justice planning in the state of Montana. All five planning regions in Montana have opted to use the first method by signing a formal waiver.

This waiver remains in effect until withdrawn by either the State Planning Agency or the Regional Advisory Council by a 90-day written notice to the contrary. The 90-day period runs annually from the point when the State Planning Agency provides the Regional Council with notice of availability of planning funds.

CONSTRUCTION COSTS

IDENTIFICATION OF CONSTRUCTION FUNDS

61-b(1)

The amount projected for Part C, Part E, and J.J.D.P. federal funds that will be used for construction under all programs, and the local contribution, is shown below. Major construction is not anticipated. Minor remodeling or repairs or the modification of existing space and utilities within an existing structure will constitute all of the anticipated construction for local facilities.

	Federal Funds	Local Share
Part C	50,000	5,000
J.J.D.P.	50,000	5,000

61(2)(a)

The SPA will comply with restrictions on land acquisition, Equal Employment Opportunity, Building Access for the Handicapped, Relocation Act Provisions, NEPA Clearances, Historic Sites, and A-95 Clearinghouse procedures.

61(2)(b)

For Part E construction grants the SPA will comply with Part E and the Financial Guide Requirements.

61(2)(c)

For JJDP construction grants the SPA will comply with M7100.1A change 3.

61(2)(d)

The SPA will comply with Executive Order 11246 as amended in all grant awards under Part C, Part E, and J.J.D.P. funds.

61(2)(e)

The SPA will report to the OCR and Region VIII all construction projects in excess of $10,000 using Part C, Part E or J.J.D.P. funds on the appropriate construtions projects form.

61c(1)&(2)

c. Personnel Compensation

(1) One-Third Limitation. Personnel compensation from Part C Federal funds subject to the one third limitation must be estimated. See Guideline Manual M7100.1A, Financial Management for Planning and Action Grants, chapter 3, paragraph 36, for explanations of the costs subject to the limitation.

(2) Suggested Method.

(a) Estimated total personnel compensation in all Part C programs (exclusive of compensation for time spent in conducting or undergoing training programs; time engaged in research, development or other short term programs): $445,027

(b) Estimated total personnel compensation in all Part C programs for police or other regular law enforcement personnel (exclusive of compensation for time spent in conducting or undergoing training programs; time engaged in research, development or other short term programs): $138,000

(c) Estimated total increases in personnel compensation of implementing agencies (exclusive of same compensation items as in (b) above): $ -0-

(d) Estimated expenditures from Federal share for the increased personnel compensation provided in (c) above (exclusive of same compensation item as in (b) above and not to exceed 50 percent of (c): $ -0-

61(2)d

The SPA is reluctant to apply for and receive advance awards of portions of its block grant allocation prior to plan submission. The advance awards can be used only for programs approved in the prior year's plan and this might lock in funds for areas not yet anticipated. The SPA prefers to conserve its assets. As long as funds are available from other usual sources it will not ask for advances. However, if all available funds are awarded, the SPA will not hesitate to request an advance.

62. Local Participation and Fund Balance

Local initiative in the development of programs and projects for improvement of law enforcement is accomplished through a variety of methods but primarily through survey techniques and evaluation feedback.

The Bureau of Research and Design within the SPA has conducted a plan input survey for the development of programs and projects. The input data is generated at the local level and is channeled through the regions to the SPA. The information is gathered from each individual from all planning regions and the Bureau of Research and Design arrives at an interpretation and summary of survey data. This data is used as a base for the development of criminal justice system programs and projects.

In addition a random public attitude victimization survey was conducted in 14 of the high crime counties in Montana. A provider survey of both police and sheriffs offices in the 14 high crime counties was also conducted. The data from both surveys was used as a base for the further development of programs and projects.

Evaluation feedback provides much valuable information because it includes a variety of information gathering methods including written reports, interviews with recipients of services, and interviews with line law enforcement and management. All this data provides a base for program and project planning.

62a(2) Consolidation of Delinquency Prevention Activities and Coordination of Youth Services

On July 26, 1976, an extensive cooperative agreement was signed by the director of Social Rehabilitation Services and the SPA administrator. The document merges the planning, program delivery, evaluation, and technical assistance functions of the SRS, Youth Development Bureau, and the SPA Juvenile Justice unit. The Youth Justice Council per this agreement shall oversee the funding of juvenile justice and youth development programming from the following four federal funding sources: 1) LEAA Block Grant applications, 2) the J.J.D.P. Act of 1974 as administered by the Montana SPA, 3) Title XX funding for youth services under the Social Security Act, and 4) Title 3 of the J.J.D.P. Act of 1974 which provides for runaway youth programs and is administered by H.E.W.

This formal agreement initiates a year-long interagency planning process. Members from both SPA and the SRS Youth Development Bureau provide staff work for the Youth Justice Council.

The stated goals for the cooperative agreement are as follows:

1. To prevent or reduce problems of Montana youth who are defined in the Montana Youth Court Act as delinquent, youth in need of supervision, and youth in need of care, or those youth who are in danger of becoming any of the above.

2. To improve the delivery of Montana governmental and private services for problem youth.

3. To coordinate the Problem Youth Program in Montana which includes all federal, state, local, and private resources within the state of Montana.

Local Youth Development workers have been directed to conceive local service provider and policy maker workshops to provide input to the joint planning effort. With the signing of the cooperative agreement the Youth Development workers become local representatives for the J.J.D.P. Act programming. It is anticipated that by coordinating provider and policy maker input, the state-level planning efforts will be considerably upgraded.

It is anticipated that this agreement to formally coordinate with SRS will be the first of a series of agreements with other agencies that have statutory authority for serving juveniles. More of this process will be defined in the Juvenile Justice Supplement.

Twenty-two of Montana's 56 counties have initiated some form of cooperative law enforcement arrangement. Six more are proposing some cooperative effort but this will be finally determined by local government study commissions. The arrangements vary throughout the state from partial to total consolidation depending on previously available services and facilities.

The large land area, distances, and demographic characteristics present special hindrances to consolidation efforts in many counties.

Technical assistance is provided to those jurisdictions requesting consolidation information by SPA personnel.

A professional consolidation information report, along with other literature and materials on the subject is supplied by the SPA to those interested jurisdictions considering consolidation.

Since the inauguration of the local government study commission considerable interest has been generated in the possibilities of combined law enforcement services. SPA staff members have explained the law enforcement function to many of these groups upon their request. Funding incentives are provided to any law enforcement agency considering partial or total consolidation.

Refer to the narrative overview of cooperative police services and illustration in section B (Resources), Law Enforcement Systems.

62a(3)

An appropriate balance of fund distribution among local government units is accomplished directly through the five Regional Advisory Councils by virtue of the representative criminal justice system composition of these councils. The advisory councils rely heavily upon the state planning agency staff advisors to aid them in their criminal justice planning efforts.

Local agencies applying for federal assistance for action projects are required to submit initial requests directly to the regional advisory council within that region. Thus, the council has the first opportunity to review and insure that applications are within the scope of the comprehensive state plan.

The advisory councils have established deadlines for requests by program category. The regional councils, sitting as a body, process these requests and establish priorities within their regions. These regional priorities are transmitted to the SPA for formulation of cumulative statewide priorities.

Program proposals, following review by the advisory councils, are transmitted to the state planning agency staff for review and evaluation. Consideration is given to substance and need. The supervisory board is not likely to permit funds to be concentrated solely in a few locations nor is likely to permit a concentration of funds within a state agency.

Geographically, based on population, Montana has maintained a fairly equal distribution of action money among the five established regions and the cities and counties within the regions. Every effort shall be made through multi-year planning to maintain this balance.

63. COMPREHENSIVE COVERAGE AND ALLOCATION TO SUBSTANTIVE AREAS OF LAW ENFORCEMENT

Both objective and subjective considerations were used in determining the allocation of funds to substantive areas of law enforcement and to the programs in each area.

Of primary importance was the objective, hard crime analysis data available to the SPA thru its Criminal Justice Data Center.

Secondarily, subjective input such as consumer and provider survey results and Regional Advisory Council (RAC) feedback was used. RAC feedback has its origin in the field, deriving from individual criminal justice practitioners.

The state's planning staff takes into consideration every need within the criminal justice system that data and information reveal, or that is expressed by the system or segment thereof. All these needs are considered during the period of dollar allocation. However, based on the priorities established, action on some needs is delayed.

Allocation of funds for each major law enforcement area must be based upon need and achievable goals which are limited by a lack of available resources. Each segment of the criminal justice system is given every consideration.

Following is a summary of the methods used to determine the allocations shown for the substantive areas on the succeeding pages:

Average Rate of Change

The assumption is made that future yearly increments in expenditure will approach, within acceptable limits, the average yearly rate of change for past, known years. The change from each known year to each succeeding year and the percentages are averaged. This average rate of change is then used to calculate the estimated expenditure for future years as a percentage of 1974 data. The actual factor used in each case can be furnished if desired.

Linear Assumption

The assumption is made that future expenditures can be approximated by the equation of a straight line ($y = a + bx$ for some a, b) which closely approximates current data. The equation is obtained by the "least squares" method. The actual equation used in each case can be furnished if desired.

Curvilinear Assumption

The assumption is made that future expenditures can be approximated by the equation of a curve ($y = a \cdot b^x$ for some a, b) which closely approximates current data. The actual equation used in each case can be furnished if desired.

The base data was taken from "Trends in Expenditure and Employment Data for the Criminal Justice System 1971-1974" published by LEAA.

Table II-1

Police Projection Expenditure

	From "Trends in Expenditure"				Extrapolated				
	1971	1972	1973	1974	1975	1976	1977	1978	1979
					Extrapolated by "Average Rate of Change" Assumption				
Montana	10,583	12,843	13,999	16,364	18,950	21,943	25,410		
State	3,481	4,015	4,620	4,109	4.372	4,652	4,950		
Local	7,550	9,313	9,888	12,312	14,528	17,143	20,229		
					Extrapolated by Linear Assumption				
Montana					18,072	19,921	21,771		
State					4,698	4,927	5,176		
Local					13,481	14,967	16,453		
					Extrapolated by Curvilinear Assumption				
Montana					18,821	21,635	24,871	28,590	32,866
State					4,734	5,046	5,378	5,732	6,110
Local					14,090	16,414	19,122	22,277	25,952

Table II-2

Judicial Expenditure

	From "Trends in Expenditure"				Extrapolated				
	1971	1972	1973	1974	1975	1976	1977	1978	1979
					Extrapolated by "Average Rate of Change" Assumption				
Montana	2,727	3,081	3,245	3,735	4,150	4,610	5,122		
State	817	884	990	907	942	979	1,017		
Local	1,910	2,197	2,256	2,837	3,248	3,719	4,259		
					Extrapolated by Linear Assumption				
Montana					3,994	4,312	4,631		
State					994	1,031	1,068		
Local					3,010	3,294	3,578		
					Extrapolated by Curvilinear Assumption				
Montana					4,074	4,501	4,972	5,492	6,067
State					998	1,041	1,087	1,135	1,184
Local					3,083	3,481	3,930	4,437	5,010

Table II-3

Legal Services and Prosecution Expenditure

	From "Trends in Expenditure"				Extrapolated				
	1971	1972	1973	1974	1975	1976	1977	1978	1979
					Extrapolated by "Average Rate of Change" Assumption				
Montana	1,570	1,772	1,745	2,040	2,232	2,442	2,671		
State	616	689	634	638	648	657	667		
Local	954	1,083	1,111	1,402	1,600	1,825	2,083		
					Extrapolated by Linear Assumption				
Montana					2,128	2,266	2,404		
State					647	648	649		
Local					1,480	1,617	1,754		
					Extrapolated by Curvilinear Assumption				
Montana					2,151	2,323	2,509	2,710	2,927
State					647	649	650	652	653
Local					1,513	1,702	1,916	2,156	2,426

Table II-4

Corrections Expenditure

	From "Trends in Expenditure"				Extrapolated				
	1971	1972	1973	1974	1975	1976	1977	1978	1979
					Extrapolated by "Average Rate of Change" Assumption				
Montana	4,729	5,650	6,577	8,663	10,612	13,000	15,925		
State	3,937	4,749	5,515	7,090	8,636	10,518	12,811		
Local	792	901	1,062	1,573	1,991	2,521	3,192		
					Extrapolated by Linear Assumption				
Montana					9,587	10,860	12,133		
State					7,879	8,902	9,924		
Local					1,708	1,958	2,209		
					Extrapolated by Curvilinear Assumption				
Montana					10,216	12,438	15,143	18,437	22,448
State					8,391	10,162	12,306	14,902	18,046
Local					1,822	2,275	2,841	3,849	4,432

Table II-5

Other Criminal Justice Expenditure

	From "Trends in Expenditure"				Extrapolated				
	1971	1972	1973	1974	1975	1976	1977	1978	1979
					Extrapolated by "Average Rate Rate of Change" Assumption				
Montana	410	721	697	715	894	1119	1400		
State	944	1574	1992	1992	2612	3424	4488		
Local	79	249	95	106	164	395	612		
					Extrapolated by Linear Assumption				
Montana					858	948	1037		
State					2516	2872	3228		
Local					114	107	99		
					Extrapolated by Curvilinear Assumption				
Montana					932	1098	1293	1522	1793
State					2894	3707	4748	6082	7790
Local					116	115	114	113	114

Table II-6

Total Criminal Justice System Expenditure

	From "Trends in Expenditure"				Extrapolated				
	1971	1972	1973	1974	1975	1976	1977	1978	1979
					Extrapolated by "Average Rate of Change" Assumption				
Montana	20,108	24,206	26,507	31,794	37,072	43,226	50,401		
State	9,975	11,911	13,751	14,736	16,902	19,837	22,237		
Local	11,373	13,882	14,656	18,508	21,839	25,770	30,409		
					Extrapolated by Linear Assumption				
Montana					34,994	38,729	42,465		
State					16,714	18,380	20,047		
Local					20,150	22,367	24,585		
					Extrapolated by Curvilinear Assumption				
Montana					36,504	42,265	48,934	56,657	65,598
State					17,302	19,732	22,503	25,664	29,269
Local					21,010	24,447	28,447	33,100	38,516

PART III - PERFORMANCE MEASUREMENT

Provision for Evaluation

The State Planning Agency has provided for the need to evaluate by incorporating evaluation within the planning function of the agency. An evaluation strategy has been designed to determine the value or success in achieving the pre-determined objectives or accomplishments of programs and projects operating with LEAA funds.

Evaluation and Planning

Evaluation is basically an assessment of accountability and program and project activity. It is essential to the decision-making function of the SPA. Evaluation is a continuing process which takes place before, during, and after the implementation and completion of a project. It has been a major goal of the SPA to use evaluation as an integral part of the total planning methodology. Major steps toward this goal have been accomplished during the last year.

Planner/evaluators have worked together to completely revise and simplify the subgrant application and the accompanying instruction booklets that are used by all subgrantees. Evaluation priorities and criteria have been established by planner/evaluators. Evaluation is no longer performed after the fact of the subgrant. The planner/evaluators provide technical assistance to the subgrantee in the program narrative area by helping to develop achievable quality objectives and helping to find and use methods to reach those objectives.

All subgrants pre-determined to meet evaluation criteria established by the SPA will be required to contain clear and quantifiable statements of their expected results and all major applications must be accompanied with pertinent support data. This will help applicants define more clearly what they want to accomplish and will assist with the evaluation plans to help generate quality subgrant applications.

Program areas for 1977 were discussed in detail at planning sessions to determine priorities for evaluation. After all pertinent information was compiled, an evaluation strategy was developed, identifying priorities for evaluation for all major 1977 program areas. In the discussions, the projects were selected for evaluation according to the following considerations and planning needs:

1. chance of replication;
2. controversial nature of project;
3. political implications
4. budget allocation;
5. planning priorities;
6. high and low crime areas;
7. geographic and demographic features;
8. continuation projects;
9. use of evaluation results by SPA and local agencies;
10. review of prior projects;
11. evaluation capability and time; and,
12. planner expectations.

Evaluation Strategy

The culmination of the planning and evaluation cooperation has led to the development of an evaluation schedule which identifies priorities and the type of evaluation to be conducted with each program area. Evaluation will be initiated on approximately 40 percent of total funds awarded to applicants during the 1977 calendar year. Approximately $800,000 of funded projects will receive some level of evaluation. In addition, Part E funds will receive contract evaluation. Evaluation will be initiated on at least 25 projects within the 1977 calendar year.

Levels of SPA Evaluations

Level 1:

The SPA planner/evaluator will review reports submitted by the subgrantees. The results will be analyzed in terms of outcome, impact, noted changes, and unexpected results. Based on this analysis, where no stringent measurement criteria were required, the planner/evaluator will prepare reports.

Subgrantees will be required to conduct an internal assessment of their own project results in accordance with the program narrative requirements described in the SPA booklet "Instruction for Grant Application." In addition, the SPA staff will provide reports, analyzing contract evaluations that are performed.

Level 2:

Projects determined to be intensively monitored by SPA staff are required to receive pre- and post- application conferences so that indicators and measures for internal assessment and methodology for data collection can be determined as outlined in the subgrant application instruction booklet. SPA staff will report performance/process results in terms of meeting objectives, as well as other results or impacts of the project.

Level 3:

Projects selected to be intensively evaluated are required to receive pre- and post- application conferences. An evaluation methodology to measure change is designed to include the following where needed: comparison methods, before and after measures, time series measures, cost benefit and effectiveness, control groups, random variations, and experimental designs. Measures for data collection are outlined and a methodology for analysis is designed. Detailed monitoring will be necessary and SPA staff will measure and report product results or impact and cost benefit analyses in detail where applicable.

Contract Evaluation

Prior to contracting for an evaluation, the SPA staff will provide assistance in formulating RFPs (requests for proposal) and reviewing experimental designs submitted. The SPA staff will oversee contract performance and review results.

Number and Percentages of
Evaluation Projects to Indicate Anticipated
Workload as Requested by Planning Input

Level 1	Level 2	Level 3	TOTAL EVALUATIONS
8	10-14	1-5	25 projects
34%	43-61%	4-22%	25 projects

Evaluation Staff and Training

The SPA has a staff of seven planner/evaluators who will devote a considerable portion of their time to evaluation. The evaluation process is now one of the functions of the Bureau of Planning. The Bureau Chief will devote approximately 15 percent of his time to the administration of program/project evaluations.

The former evaluation team has compiled an evaluation resource library, which contains a variety of materials including completed projects, major textbooks, and new theories and methodologies. This information and their experience will enhance the planning/evaluation efforts. Technical assistance in statistical methods has been used and is available from a variety of new sources.

Monitors

Four field representatives will devote approximately 25 percent of their time to monitoring programs and projects within the five regions. The planner/evaluators within the Planning Bureau will also devote a portion of their time to the monitoring/evaluation process.

The SPA monitors the implementation, operation, and results of the projects it supports. This monitoring effort is primarily completed by the four field representatives and is accomplished by on-site project review and reporting on that review by completion of the appropriate monitoring forms MO-1 through MO-6.

Form MO-1 is designed for general projects, MO-2 for education and training, MO-3 for manpower, MO-4 for construction, MO-5 for confidential expenditures, and MO-6 for equipment.

All grants awarded by the SPA are monitored in the field. The monitoring takes place every six months on long-term grants and at the project date of termination on all others. A final monitoring takes place when the project is completed. The types of data collected through the monitoring process are portrayed on the monitoring forms. Monitoring information is utilized each month. Once each month, the field staff meets with other SPA personnel and uses project monitoring information to assist in the decision-making process. Monitoring information is also used throughout each month as monitoring reports are received at headquarters.

Program/Project Planning

The planner/evaluators of the SPA are responsible for developing and implementing policies and procedures to ensure the comprehensive evaluation of criminal justice activities supported by the Board of Crime Control.

Evaluation can be successfully accomplished only through cooperation of the local units of government applying for federal funds. To assist the local units in preparation of quality subgrants, the SPA has prepared an instruction booklet to be used as a guideline by local agencies. Evaluation is basically good planning and must be considered as a first step in the grant application process.

The following requirements are excerpted from the grant application instructions booklet designed by the SPA for applicants' use in preparing the narrative portion of subgrant applications. Proper attention to these eight steps should provide a realistic plan of action capable of being evaluated.

The eight steps are:

1. DEFINE THE PROBLEM - Identify and explain the specific problem(s) of your department.

2. EXPLAIN THE NEED - Needs are those things necessary to solve or lessen the problem, such as: equipment, manpower or other available services.

3. SUPPORT DATA - Accurate information is necessary to support the problem. Pertinent data, such as: caseload, number on staff, workloads, area population, area coverage and special situations.

4. OBJECTIVES - An objective is a specific statement of a measurable end result to be achieved within a stated period of time. It must be obtainable, realistic and directly related to your problem and needs, such as: what you plan to do, by when (date), and cost to reach objective.

5. IMPLEMENTATION & OPERATION - Implementation and operation is a course of action of planned activities to reach your objective. Outline your activities in your subgrant narrative.

6. EVALUATION - To effectively assess the results of your project, you should determine: (1) What data will be collected; (2) How data will be recorded; (3) Who will keep records; (4) time schedule for compiling data; and, (5) How data will be analyzed.

7. INTERNAL ASSESSMENT - A self-assessment of your project results is required. This assessment should include:

   (1) An analysis of the results and impact of the project;
   (2) A comparison of the problem before and after the project;
   (3) A description of the implementation and operation of the project over time; and,
   (4) Modifications of program activities called for by the evaluation findings.

8. REPORTING - Determine and outline a narrative reporting schedule for your project. (1) Short duration projects (one-time expenditures) will submit a final narrative report only; and, (2) Long duration subgrants will report quarterly unless otherwise determined in a pre-application conference. The first quarterly report will be due 30 days after the close of the first FULL quarter. A final report will be submitted within 30 days of project completion.

Program/Project Implementation

While the responsibility of program/project implementation rests primarily with the subgrantee, the four regional representatives in the five regions will periodically check to see that the projects have been successfully implemented according to the grant provisions and ensure that the required reports are submitted to the SPA.

Projects outlined for evaluation will receive technical assistance from SPA planner/evaluators to assist in the implementation of projects.

Pre-Application Conference

A pre-application conference will be required on applications where evaluation is required prior to submission of a formal application, on all projects to be evaluated by SPA staff.

A pre-application conference is intended to provide local projects with technical assistance in writing a grant, as well as to determine measures and methods so that project results can be evaluated.

Post-Application Conference

A post-application conference will be required within 30 days of project start-up. This will only be necessary for projects scheduled to receive level 2 or 3 evaluation.

A post-application conference provides the applicant with a review of the project's intent, requirements,and responsibilities.

Effect of Future Planning

A successful evaluation will provide the answers to two levels of questions basic to the life of the project and future planning. The first level of questions deals with the operation of the project itself.

1. Has the project been successfully implemented, and is it progressing satisfactorily?

2. Are the objectives that were originally designed for the project being met?

3. Have unforeseen problems appeared to hinder progress or have circumstances changed the nature and operation of the project?

4. What impact did the project have on the criminal justice system either directly through the achievement of objectives or indirectly through unexpected results or side effects?

When all the above questions have been answered, the future operation of the project can be successfully determined by the SPA through a second level of questions that will be asked.

1. Should continued funding for the project be considerd and should future funding for similar projects be considered?

2. Should funding be terminated immediately or should the project be allowed to continue to the grant expiration date?

3. Should the project be modified?

4. Does the project have sufficient merit or value to be transferred tc another geographical area or should the scope of the present operation of the project be expanded to obtain optimum effectiveness?

5. Has the project contributed to the SPA planning goals and objectives?

A. PROGRAMS

MANPOWER

1) Funding Level: $109,149

2) Goal: To provide assistance to criminal justice agencies by increasing manpower, to thereby maximize efficiency and service, and to increase the level of criminal justice professionalism throughout the state

3) The program increased manpower and personnel flexibility by providing initial or continued salary support for 12 LEEP graduates in law enforcement agencies around the state.

Salary support was provided for 12 officers to replace regular officers while attending basic training at the Montana Law Enforcement Academy.

The manpower level of juvenile probation officers has been raised by 71% with the establishment of 19 new positions since the inception of this program. Caseloads have been reduced and probation administrators have been able to spend more time developing community resources.

A court administrator position was funded primarily by an SPA action grant. This is a significant step toward improving the resources and capabilities of the judicial branch for planning and implementation.

Funding was approved for continuation of a psychologist's salary in the State Prison to provide clinical services to the incarcerated. A diagnostic and evaluation component was initiated in the state prison. The assistance provided for a psychiatrist, psychiatric social worker, and secretary, their goal being to establish a presentence evaluation for recommendations on alternative district court sentencing.

The services of these professionals are useful in assessing and dealing with emotional and psychological needs of the inmates and in helping inmates achieve better self-understanding and more appropriate social behavior. It is anticipated that its efforts will result in significant benefit to inmates as far as rehabilitation is concerned. Staffing for four pre-dispositional shelter care facilities (attention homes) was provided through this program.

Six of the seven 1976 manpower projects have been continued to 1977 (A-1,2,3,5,7,9,10). These projects were continued at the same ratios of federal, state, and local support as in the previous year. In terms of dollars, see the following comparison:

Project	Federal 1976	Federal 1977	State/Local 1976	State/Local 1977
A-1	11,000	9,000	1,300	1,000
A-2	79,000	30,000	79,000	60,000
A-3	48,000	48,000	48,000	96,000
A-5	70,000	50,000	7,800	6,000
A-7	9,000	5,000	1,000	600
A-10	27,000	45,000	3,000	5,000

Projects A-21 and A-22 are new in 1977.

4) None of the projects implemented in this program area encountered serious problems.

5) The projects that are found to have positive effects on crime and the criminal justice system will be continued and/or expanded, but those that experience minimal or no impact on the criminal justice system will be modified or discontinued.

TRAINING

1) Funding Level: $138,059

2) Goal: To improve the quality of service delivered by criminal justice personnel by providing educational opportunities for continued and increased professional development.

3) As of June 30, 1976, there were 665 officers certified for the Basic Certificate, 156 officers certified for the Intermediate Certificate, and 68 officers certified for the Advanced Certificate.

The video-cassette training program was expanded to include 40 training cassettes. The program was turned over to the Montana Law Enforcement Academy for its staff to supervise.

Ten sheriffs and police departments have been provided with the first eight volumes of the IACP Training Key Program. This gives each agency excellent in-service training and reference material. This program will be expanded to include as many agencies as possible. Each agency is required to establish a training record for each officer and to subscribe for the new volumes as the IACP produces them. The POST Council feels this program will assist the local agencies in establishing continuing in-service training programs.

POST, with the assistance of a Volunteer Law Enforcement Task Force, has developed proposed legislation to regulate volunteer law enforcement groups. Minimum selection and training standards have been developed. An 88-hour Basic Course has been developed for reserve officers. If the legislation passes, the bill will be effective July 1, 1977.

The Juvenile Probation Officers' Association obtained funds for probation officer training for 12 monthly courses each culminating in a three-day workshop of graduate level in-service training in relevant aspects of juvenile justice counseling.

The largest and most notable subgrant in this program area was one of $80,000 to the Montana Law Enforcement Academy for expansion and upgrading of its curriculum, addition of specialized training equipment, and development of professional law enforcement instructors and administrators for both the Academy and individual department in-service programs. The impact of the

Academy on the criminal justice system has and will continue to be to enable law enforcement personnel to keep abreast of newest information and techniques, instill confidence and professionalism in the personnel, improve law enforcement/community relations, and generally to provide continuing opportunity for Montana's law enforcement personnel to obtain the highest quality in knowledge and skills so as to best serve the public and the criminal justice system.

Seventy-six grant requests for out-of-state training were approved for specialized criminal justice training which is not available within the state.

Three of the 10 1976 training projects were continued in 1977 (B-4,7,9). They were continued at the same ratios of federal, state, and local support as in the previous year. In terms of dollars, see the following comparison:

	Federal		State/Local	
Project	1976	1977	1976	1977
B-4	20,000	14,000	2,300	1,600
B-7	45,000	15,000	5,000	1,700
B-9	10,000	7,000	1,200	800

The SPA term for funding projects B-1 (Montana Law Enforcement Academy) and B-3 (POST) ended, and future financial support will be appropriated by the Legislature. Project B-6 (Correctional Officers Standards and Training) will be incorporated in the POST program. Project B-8 was a one-time project; projects B-10,12, and 13 will be funded in the future from a judicial block grant administered through the office of the courts administrator. Projects B-5, 16, and 22 are new in 1977.

4) None of the project implemented in this program area encountered serious problems.

5) Projects in this important program area will continue to be funded and expanded due to the ever-increasing need for professionalism and capability of criminal justice personnel. There will continue to be a need for well-trained staff personnel in the institutions, and for judges, prosecutors, etc., so that they may continually expand their knowledge and expertise.

EDUCATION

1) Funding Level: $50,903

2) Goal: To provide practical working experience to law students and LEEP students through internships in criminal justice agencies; to develop curricula and provide teacher training in law related education in primary and secondary schools; to provide college-level classes to qualified inmates of Montana State Prison; to assist criminal justice agencies in developing a public communication capability. The law student program placed 32 students with law enforcement-related agencies. Twenty-two served in the offices of county attorneys. Of the remaining 10, two clerked for district judges, two for city attorneys, four for county public defenders, and two for the Montana Defender Project at the law school.

3) Thirty-seven law students gained legal experience from 12-week internships in criminal justice agencies around the state, providing the benefit of additional manpower for participating agencies. Funding enabled LEEP students from three college-level institutions to also gain practical experience working with criminal justice agencies. Besides increasing manpower, this project has been effective in recruiting students to return to work in the Montana criminal justice system following graduation. Funding was continued to the post-secondary education program for inmates of the state prison.

A $10,000 subgrant was awarded to assist the state prison to continue its post-secondary education program for qualified inmates. This project is also providing intensive counseling for inmates. The project continues to enjoy success, with 394 student-inmates enrolled in academic classes in 1976. The 16 courses offered in 1976 were of a general useful nature in many subject areas. The costs covered by the funding included student tuition, books, supplies, and testing. It is hoped that the two parts of this program will result in strengthening positive attitudes toward education and society in general.

All three of the 1976 education projects were continued in 1977 at the same match ratio. Dollar amounts compared as follows:

	Federal		State/Local	
Project	1976	1977	1976	1977
C-2	25,000	25,000	2,800	2,800
C-3	51,000	20,000	5,700	3,000
C-4	10,000	10,000	1,200	1,200

4) None of the projects implemented in this program area encountered serious problems.

5) It is anticipated these projects will continue to be funded in the future, expanding those found to be of benefit in the criminal justice system. Those whose results have minimal or no favorable impact will be modified or discontinued. It is an area, however, for which the need should continue to increase.

EQUIPMENT

1) Funding Level - $65,969

2) Goal: The overall goal of this program is to assist criminal justice agencies in acquiring adequate equipment for the performance of their respective criminal justice functions.

3) During the year, 59 subgrant awards were approved for agencies throughout the state. Although many requests were approved for basic police equipment, the trend appears to be shifting to educational and specialized equipment as criminal investigation becomes more sophisticated.

The impact of equipment on criminal justice agencies has enabled law enforcement to keep abreast of the latest in training and investigative methods, which results in an effective and efficient professionalism in the criminal justice system.

Project D-1 has been continued to 1977 at the same match ratio. Project D-3 was discontinued since SPA funding was on a one-time basis. Project D-4 is new in 1977.

The funding level of D-1 in 1976 was $70,000 federal, $24,000 state/local. In 1977 it is $60,000 federal and $20,000 state/local.

4) No problems were encountered in this program area.

5) It is anticipated that equipment requests in the future will be program related and will demonstrate the potential of having an impact on the criminal justice system, rather than be "stand alone" pieces of hardware.

FACILITIES

1) Funding Level: $40,279

2) Goal: To assist in providing new or improving existing criminal justice facilities

3) Funding was provided to assist in the construction of new courtroom facilities and for equipment to upgrade the court facilities in three locations

Two subgrant awards were approved for two juvenile receiving centers for salaries and operating expenses of one attention home and one short-term foster home.

Funding for local jail improvement was provided in two communities to upgrade jail conditions.

The 1976 facilities projects are all continued in 1977 at the same match ratio. The dollar amounts compare as follows:

	Federal		State/Local	
Project	1976	1977	1976	1977
E-3	20,000	15,000	20,000	15,000
E-4	40,000	40,000	23,000	40,000
E-5	90,000	51,000	90,000	51,000

4) None of the projects implemented in this program area encountered serious problems.

5) Continued funding will be provided for successful projects under this program. Extensive activity is anticipated in the area of detention and shelter care facilities over the next few years.

WORKLOADS

1) Funding Level: $5,600

2) Goal: To increase the efficiency of manpower deployment and workload in criminal justice agencies

3) Funding was requested for consultant's fees, operating expense, printing, and distribution of the workload analysis.

The analysis of the workload determined the nature and volume of demands for service and the time expended in these services by personnel.

These were the problems addressed:

a) Police: Ineffective deployment of manpower to non-police duties reduces the capability of most agencies to handle criminal complaints and investigations.

b) Courts: Population redistribution and an immense amount of new constitutional and statutory law with exclusive jurisdiction reposing with the district courts has resulted in increased and disparate workloads.

Judges have insufficient time to do adequate legal research and must depend on attorneys' briefs for adequate discussion of the law involved.

Prosecution and defense are plagued with problems similar to those of the judges.

4) None of the projects implemented encountered serious problems.

5) Further projects of this nature that are deemed necessary and that lend themselves to similar analyses will be considered for funding.

OPERATING STANDARDS

1) Funding Level: $257,255

2) Goal: To encourage the partial or total consolidation of local law enforcement facilities, services, and operations by providing funding incentives

3) Missoula City/County was awarded $186,669 to implement the crime specific strategy developed in the preceding year.

Great Falls/Cascade County was awarded $32,365 to hire a planning coordinator to assess community needs and develop a crime specific strategy to reduce the incidence of those crimes.

Continued funding was provided to a city/county felony team.

A $10,000 subgrant was awarded to the Montana Supreme Court to revise the rules of evidence to conform to the new criminal code.

An award of $14,308 was made to the Montana Catholic Conference to implement and complete a victimization study.

Two of the 1976 operating standards projects are continued in 1977 at the same match ratios. Funding levels are compared as follows:

Project	Federal 1976	Federal 1977	State/Local 1976	State/Local 1977
G-1	277,600	50,000	111,000	6,000
G-2	370,000	375,000	42,000	42,000

Projects G-3 and G-5 were discontinued since their funding was on a one-time basis. Project G-7 is new in 1977.

4) None of the projects implemented to this program area encountered serious problems.

5) Funding for projects such as the above should continue as consolidation and standardization of operating procedures is seen as a need in all areas of the criminal justice system.

SERVICES

1) Funding Level: $20,566

2) Goal: To provide services in the way of technical assistance, counseling, etc., to criminal justice personnel and agencies, and to offenders being held in institutions and facilities; to provide public information programs for community awareness

3) Several projects have been funded to local juvenile courts which encourage the development of intensive counseling activities for delinquent youth. These projects include: A former delinquent working with a small high-risk caseload, an extensive diagnostic project, a family counseling project, and a contract with a private firm to work with a small high-risk caseload.

A number of subgrants were approved to educate the public through community awareness programs in the areas of narcotics and dangerous drugs and the police role in the community.

Continued funding was provided to two crime prevention projects in the state.

A counselor was funded under this program to provide rehabilitation services to inmates in city, county, and state institutions.

Two of the three 1976 services projects are continued in 1977 at the same match ratio. Comparison of funding levels is as follows:

Project	Federal		State/Local	
	1976	1977	1976	1977
H-1	20,000	30,000	2,300	4,000
H-2	10,000	15,000	1,200	1,700

Project H-4 was discontinued since SPA funding was on a one-time basis. Project H-5 is new in 1977.

4) None of the projects implemented in this program area encountered serious problems.

5) Those projects that prove most useful and beneficial to the criminal justice system will be expanded. Maximum communications capability should be achieved for all agencies, and the capability of the state planning agency to collect and analyze crime data should be increased.

INFORMATION SYSTEMS

1) Funding Level: $62,808

2) Goal: To encourage the development of information and communication systems to support the operational and management requirements of criminal justice agencies

3) Description: The following activities were funded:

Continued support was provided to the Electronics Research Laboratory (ERL) to provide technical assistance for an integrated statewide communications capability and the providing of communications equipment (radios, repeater systems, etc.) to law enforcement agencies. Last year 20 communications grants were awarded to law enforcement agencies using technical assistance from ERL.

The Montana Law Enforcement Teletype System (MLETS) was continued on a declining basis with the state picking up a large share of the operating cost. MLETS supports computerized message switching among law enforcement agencies and provides a direct link to NCIC for information on wanted persons, stolen articles, and vehicles.

On July 1, 1976, the office of the court administrator, with the cooperation of the Association of Clerks of Court, launched an experimental effort to establish a case-by-case reporting system for courts of general jurisdiction. It is anticipated that the form design, reporting procedures, and the collation and analysis of judicial statistics will be modified on the basis of experience. At the time the reporting effort was initiated, the court administrator hired two students to travel the state to collect, directly from court records, similar data back to January 1, 1976.

The Juvenile Probation Information System provides case management and statistical information regarding juvenile court referrals and dispositions as provided by Juvenile Probation Officers in Montana. The information is used for caseload administration, planning and budgeting, and research. The data is collected monthly, edited, and stored on disc by referral year. A flexible reporting capability allows the extraction of personal, referral, and disposition profiles on delinquent youth and offenses by selected time periods and geographic areas. The data is based on individually numbered cases but does not contain the names of juveniles. The system supports an effort to develop uniform procedures, records systems, and statistical analysis for all juvenile probation offices in the state.

A subcommittee of the criminal justice information systems advisory committee was formed and has been writing a state plan for information systems. When it is completed, it will control how the various systems in criminal justice will operate. It will advise on funding levels and operations and will determine priorities. All incoming grants will be measured against this plan.

The SPA is continuing basic information systems and has expanded activities for better coverage and operational capability. The arrest record system, offense system, and small records system continue to assist law enforcement. The Department of Justice and the Department of Institutions are working with the Offender Based Transaction System and the Offender Based State Correctional Information.

Four of the five 1976 information systems projects are continued in 1977 at the same match ratios. Funding level comparison is as follows:

	Federal		State/Local	
Project	1976	1977	1976	1977
I-1	40,000	20,000	4,500	3,000
I-2	88,500	70,000	29,500	24,000
I-4	150,000	100,000	17,000	12,000
I-5	20,000	10,000	2,300	1,200

Project I-3 was discontinued as the SPA funding term expired. Support will be assumed by state and local monies. Project I-11 is new in 1977.

4) A problem encountered in this program area included the lack of financial resources to meet the demand for automated information systems.

5) Those projects that promise to benefit the state's criminal justice system will be initiated and expanded within available funding. The emphasis will be on the coordination of criminal justice information systems through development of an official state CJIS plan. The recommendations of the Standards and Goals project will be incorporated into the overall planning and funding of information systems.

B. SELECTED PROJECTS

1.

TITLE: Deferred Prosecution

BUDGET:

Federal	State/ Local	Total
$17,051	$1,914	$18,945

OBJECTIVES:

a. To identify eligible first offenders within 36 hours of the arrest and release them on their own recognizance, with the understanding that further screening will follow

b. To divert eligible participants into the program within one week after the identification

c. To make every opportunity available to the diverted individual for social and economic readjustment

d. To reduce the costs involved in dealing with the first offender by a minimum of $200

e. To offer a 20/30:1 client to staff ratio for better and more individualized treatment

f. To avoid the stigma of criminal prosecution in cases where the benefits of diversion outweigh the benefits of prosecution

g. To reduce the full prosecution caseload in Yellowstone County by 150 defendants within the first year of operation

ACTIVITIES:

a. Lessened the strain on existing professional agencies by diverting first offenders, thus allowing professional agencies more time and energy to deal with the serious crimes that threaten the Billings area.

b. Educated the community on the needs of the first offender and the different types of treatment available for those who violate the law.

IMPACT:

At the present acceptance rate the prosecution caseload should be reduced by 60 to 75 cases.

The costs involved in dealing with the first offender should be reduced by a minimum of $200.

Normal court proceedings cost $761 per client, based on man-hour costs only. Under the deferred prosecution program the cost is $235 per client.

The following kinds of data were used to measure impact:

DATA AVAILABLE

Total Interviews
Rejections
Pending Cases

Total Acceptance
Successful Terminations
Present Active Caseload
Assigned Volunteers

Unsuccessful Terminations
1 - Non Cooperation
1 - Further Charges
1 - Continued Criminal Activity

EMPLOYMENT BREAKDOWN

1. Total Employed at Acceptance
2. Total Unemployed at Acceptance
3. NO. of Clients

SUCCESSFUL TERMINATIONS

1. Employed at Acceptance
2. Unemployed at Acceptance
3. Employed at Termination
4. Unemployed at Termination
5. NO. of Clients

PRESENT CASELOAD

1. Employed
2. Employed in School
3. Unemployed in School
4. Unemployed
5. NO. of Clients

WAGE ANALYSIS

COST COMPARISON

Normal Court Proceedings vs. Deferred Prosecution Program

Offenses Accepted
Ages Accepted
Marital Status

MONITORING

An SPA evaluator reviewed the subgrant narrative to insure that criteria were established to perform an internal assessment and evaluation.

An interim conference was conducted with the project director to review six months of operation and discuss problems, successes, failures, and implementation overall.

Quarterly reports were analyzed and actual achievements compared against stated objectives.

Field representatives conducted on-site visits.

The results obtained from this project will provide valuable information for future plans, replication, developing, funding or implementing other projects in the special impact program category.

TITLE: ATTENTION HOME-BUTTE, MONTANA

BUDGET:

Federal	State/ Local	Total
$32,620	3,624	36,244

OBJECTIVES:

To provide predispositional care not to exceed two months, for up to 12 youths at a time, at a cost of $8.40 per day per youth

To reduce the number of youth incarcerated in Butte by 30% within 12 months

To provide basic services (food, shelter, communications, short range transportation, and counseling) for up to eight youths at a time at a cost of about $16.00/day per youth

To test the assumptions that: dispositions made on youth in the attention home are of higher quality than if the youth were in jail; self-concepts suffer less in the attention home than in jail; agency persons have more accessibility to their clients, and the attention home lowers recidivism rates

To provide evaluation services for all clients entering the program utilizing appropriate community resources

ACTIVITIES:

A homelike atmosphere was provided for no more than 12 juveniles at any one time, to divert young people away from incarceration and the hardening experience of jail.

IMPACT:

This project has reduced the number of juveniles incarcerated in the county jail by 50% over the year prior to the existence of the attention home.

The following kinds of data were analyzed to measure impact:

DATA AVAILABLE

1. Number of youth placed in the Attention Home rather than jail

2. Number of days stay in the home per youth, and the average length of stay

3. Record total operating expenses of the project

4. Record number of youth placed in Attention Home during project year, and number of youth placed in jail

5. Record services rendered: Number of runaways receiving services

6. Number of youth referred to other agencies by Attention Home for services

7. Transportation provided to runaways

8. Number of times the National Hotline is used to communicate with parents

9. Number of youth referred to attention home

10. Number of youth referred for evaluation of some kind

11. Cost of each kind of evaluation and number of youth receiving each

The Southwest Montana Mental Health Program will design an evaluation model to make these determinations. When that model is completed a new evaluation form will be submitted with all relevant information.

MONITORING:

The Technical Assistance of an SPA evaluator was provided in a preapplication conference to assist in developing goals and objectives.

Quarterly reports are analyzed to assess project implementation, progress, and success or failure in meeting objectives. A Regional Field Representative visits the project on a regular basis to monitor progress.

The results obtained from this project will provide valuable information for future plans, replication, developing, funding or implementing other projects in this program category.

TITLE: MISSOULA CITY/COUNTY CRIME PREVENTION BUREAU

BUDGET:

Federal	State/ Local	Total
$18,974	$18,974	$37,948

OBJECTIVES:

To determine the statistical comparison between the status quo target and the hardened target as far as criminal activity is concerned

To determine whether the burglary and larceny incidence is reduced (it is conceivable that a 10% per year decrease in the overall burglary and larceny incidence can be expected; from 50% to 80% of burglaries and larcenies can be eliminated in the hardened target)

To lower business theft or stock shrinkage to the acceptable rate of 1¼% in participating businesses

To effect increase of community involvement and awareness each year by studying message apprehension and motivation techniques

ACTIVITIES:

The Missoula City/County Crime Prevention Bureau has contacted approximately 1,000 residents in the Missoula City/County area. Of those, 200 were given business surveys, 200 were given residential surveys, and 600 were residents who subscribed to Operation Identification.

IMPACT:

Of the 200 businesses which were surveyed, only four suffered burglaries. However, in all cases, the burglarized businesses had not complied with the Crime Prevention Bureau's recommendations. Since then, three of the four businesses have fully complied, and no further criminal activity has been noted.

Only one subscriber to Operation Identification has suffered a burglary. There have been no burglaries reported by persons receiving residential security surveys. Because the above-mentioned businesses had not complied with recommendations prior to being burglarized, they have been discounted from the statistics. Therefore, only one bona fide burglary has taken place in the test group compared to approximately 33 per 1,000 residences in the general population. Crime Prevention, when utilized, reduced burglarly 97%.

According to the FBI Statistical Reports for the first three quarters of 1974, a 23% increase in suburban and rural burglary was noted. In Missoula County a 2.7% increase occurred and in Missoula City only a 1.45% increase occurred in the area of burglary for 1974. This is approximately a 20.3% decrease compared to national statistics in the County, and a 21.5% decrease compared to national statistics in the City (if one considers Missoula City and County suburban and rural areas). In the hardened target area, burglary was reduced 97%. The hardened target areas have not reported any thefts.

Those businesses which have received assistance concerning internal theft state that the program has been very effective.

Judging stock shrinkage is difficult for two reasons: 1) businessmen are reluctant to give actual stock shrinkage figures, and 2) inventories often-times do not reflect stock shrinkage, but merely profit. The controls set up by the Crime Prevention Bureau are difficult to judge; however, in most cases seem to be effective. Further research into the evaluation of this important area should be conducted by LEAA personnel.

Community involvement has been enlarged in the past year. The Missoula County Sheriff's Office has noted a 19.83% increase in the number of desk reports, and the Missoula City Police Department has noted a 12.2% increase in desk reports.

DATA AVAILABLE

The following kinds of data were used to measure impact:

Desk Reports	1973	1974	% Increase
Missoula County Sheriff's Office	7,831	9,423	+ 19.83
Missoula City Police Department	15,990	17,912	+ 12.02

A greater response from the community is being received, as judged by the increased number of communications between the community and law enforcement.

A study completed by Dr. Duane Pettersen of the University of Montana Interpersonal Communication Department indicated that 34% of the public was receiving the crime prevention message, that certain things should be stressed, and that eventually, if the program is maintained, a larger percentage will become involved.

These kinds of data were also used:

Number of Residents Contacted
Number of Business Surveys
Number of Residential Surveys
Number of Subscribers to Operational Identification
Number of Burglaries Prior to Project
Number of Burglaries After Project Implemented

MONITORING:

An SPA evaluator reviewed the subgrant narrative to insure that criteria were established to perform an internal assessment and evaluation.

An interim conference was conducted with the project director to review six months of operation and discuss problems, successes, failures, and implementation overall.

Quarterly report were analyzed and actual achievements compared against stated objectives.

Field representatives conducted on-site visits.

The results obtained from this project will provide valuable information for planning, developing, funding, or implementing similar projects in the special impact program category.

TITLE: Silver Bow County Deputy Sheriff Manpower Assistance

Funding:

Federal	$ 6,618.39	50%
State	367.68	03%
Local	6,250.70	47%
TOTAL	$ 13,236.77	

OBJECTIVES:

Juvenile Officer Position

To outline position of juvenile officer within department within three months, or by December 31, 1974

Procedures and Training

a) To conduct a meeting with fellow deputies by October 31, 1974,to explain new procedures and objectives (codes for juvenile officer) and

b) To interview ten people before March 30, 1975 to see if there is interest in regional training

Recordkeeping and Reporting

a) To establish one uniform means of initial crime reporting

b) To establish a client file on all felony offenders by January 30, 1975

c) To establish client file on third misdemeanor offenses by January 30, 1975

d) To limit the number, as evidenced by client folders, of contacts made with juveniles on misdemeanor type offenses to three by April 30, 1975

e) To establish Monthly Wrap Up Sheet for statistical analysis of juvenile crime within three months, or by December 31, 1974

f) To compare Monthly Wrap Up Sheets for statistical comparison

ACTIVITIES:

The following have been established:

A. Monthly Wrap Up Sheet -- uniform means of crime reporting

B. Youth Offense Report -- list of offenses

C. Client File -- contains youth offense report, investigation and arrest report and master sequence card

D. Other records kept for the purpose of assessing whether objectives were or were not met such as recording activity dates, attendance, position chart, etc.

IMPACT: The police department, sheriff's office, and Highway Patrol have consolidated the youth division and one central recordkeeping system for all juvenile offenses.

A Monthly Wrap Up Sheet providing category totals for age, sex, type of offense, and time period of day the offense occurred, has been established.

The Youth Offense Report is used by all departments and a Monthly Wrap Up Sheet is maintained to provide a total view of youth booked each month and quarter.

A client file for each juvenile that comes in contact with a law enforcement officer was established by January 30, 1975. All felony offense reports are completed and recorded in the client file (master sequence card) and a copy is sent directly to the probation office.

MONITORING:

An SPA evaluator conducted preapplication conferences to lend technical assistance in planning and writing objectives and subgrant application;

-analyzed reports and assessed operations of each quarter and last ten months;

-compared actual achievements against stated objectives;

-conducted on-site visit for interviewing, reviewing and collecting data; and,

-accomplished on-site monitoring.

The results obtained from this project will be utilized in future plans to develop, fund, or implement similar projects in other areas of the state.

TITLE: Lewis & Clark County Sheriff
Community Relations Officer Project

Project Budget:

Total Budget	$20,505.30
Federal & State Match	$12,901.00
Local Cash Match	$ 6,138.00
Evaluation	$ 500.00

OBJECTIVES:

a. Reduce by 50% occurrence of crime in public housing areas

b. Reduce by 50% the shock effect of crime (fear and uneasiness) on the public housing residents

c. Reduce by 50% shock effect of crime (fear and uneasiness) on the public housing senior citizens

ACTIVITIES:

The evaluators conducted a pre and post survey to measure attitude change concerning fear and anxiety over the duration of the grant.

The same pre and post test to measure attitude change of senior citizens was used.

IMPACT:

No measurement design was devised to measure objective a.

A small sample was obtained at beginning of project (through police department), but no plans for follow-up were outlined.

Objective b was not met because it was not measured. It appears that the amount of funds was insufficient to effectively measure an objective of this type.

The objective was somewhat unrealistic and consequently not obtainable.

MONITORING:

Funding was provided in the original award to hire an outside consultant. The monitoring and evaluation was accomplished by: Consultants Collaborative, Canyon Ferry Route, Helena, Montana.

The results realized from this project could be beneficial in future plans to develop, fund, or implement similar projects in other areas of the state.

TITLE: DEPUTY PROBATION OFFICER

BUDGET:

	Custer County	Rosebud County
Federal	$ 6,568.00	$ 7,873.86
State	365.00	303.75
Local	6,203.00	2,320.89
TOTAL	$13,136.00	$10,498.50

OBJECTIVE:

To reduce the current staff caseload from an average of 50 juveniles per month to an average of 33 juveniles per month per juvenile probation officer, by November 1, 1975, at a cost of $33.45 per youth per month

ACTIVITIES:

ACCOMPLISHMENTS:

a. Monthly Arrest Register
b. Monthly Contact Sheets
c. Referral Record
d. Probation Record
e. Master Card File
f. Individual Client Files

IMPACT:

Data Available:

The following provide evidence as to whether the project met its objectives:

a. Monthly Arrest Register

Records each juvenile, date arrested, birth, race, sex, county, name, charge, and disposition.

b. Monthly Contact Sheet

Verifies caseload amounts (probationers and referrals) and time spent per youth probation officer for each month.

c. Referral Record

Records number of juveniles referred to probation office per month. (Chart also available to show graphic illustration of referral amounts by county)

d. Probation Record

Records number of juveniles on probation per month

e. Master Card File

Record of all youth in district, maintained in central office-Miles City.

f. Individual Client files

Record on each youth, maintained in each county, social history on each juvenile.

MONITORING:

An SPA evaluator accomplished the following:

a. conducted preapplication conferences to lend assistance in planning and writing objective;

b. analyzed reports and ran comparisons of conditions between quarters and past years operation;

c. compared actual achievements against stated objectives; and,

d. conducted on-site visit for interviewing, reviewing, and collecting data.

The results obtained from this project will be utilized in future plans to develop, fund, or implement similar projects in other areas of the state within the manpower program category.

TITLE: CITY/COUNTY FELONY DRUG SQUAD (BUTTE)

Funding:	Federal	$ 41,970.00
	State	2,350.00
	Local	11,640.00
	TOTAL	$ 55,960.00

OBJECTIVES:

1. Utilizing the city-county felony drug squad team to increase the drug arrests by at least 20% in a one-year period of time

2. To prepare better case files by means of a well-trained team and to improve the ratio of convictions by 20% for illegal narcotics and restricted dangerous drug offenses

3. To increase the working relationship with other law enforcement agencies, since there are many small communities in the surrounding areas without trained personnel in the narcotics field

4. To start a comprehensive in-service and outside-of-service training program in narcotics and related felonies

DATA AVAILABLE:

1. The number of arrests made by the team
2. The quantity of drugs seized by the team
3. Trends in "street price" (retail value) of drugs
4. The conviction rate for drug arrests made by the team
5. The number of investigations undertaken by the team

IMPACT:

a. A record will be maintained by the City-County Felony Drug Squad to reflect the number of drug arrests. Reports will be compiled and tallied for each quarterly report.

An analysis of trends in retail prices of drugs over a twelve month period will be conducted.

Data for objective

b. The proportion of arrests leading to convictions (thereby denoting "good arrests")

The number of arrests made by the team as a proportion of the total arrests made in the county during the project period

Data for Objective

c. 1. An estimate of time spent in other communities
2. Communities requesting assistance
3. Cases investigated outside Butte proper

Data for Objective

d. 1. Date training began
2. Training received by team members in narcotics and related felonies
3. Schools or classes attended in and out-of-state
4. Programs initiated to disseminate information on drugs and related felonies

MONITORING:

The technical assistance of an SPA planner/evaluator was provided in a pre-application conference to assist in developing goals and objectives.

A field representative visits the project regularly to monitor progress. Progress reports are analyzed periodically and a six-month interim assessment will be performed.

The interim and final evaluation will require on-site visits to validate records and interview the team members.

The results obtained from this project will provide valuable information for future plans, replication, developing, funding, or implementing other projects in the special impact program category.

TITLE: Facilities Consolidation (Livingston)

Funding:		
	Federal	$33,521.63
	State	1,862.31
	Local	1,862.31
	TOTAL	$37,246.25

OBJECTIVES:

a. The primary objectives of the combined jail facility are elimination of unnecessary duplication, operational economy, human care, safe and sanitary conditions, and 24-hour surveillance of prisoners.

b. The objectives outlined in the communications section are "to eliminate duplication of radio equipment and manpower, to provide a 24-hour efficient operation, and to decrease response time."

c. A major objective is to improve law enforcement efficiency by allowing officers to perform their primary duties and decreasing response time.

d. The objectives of a single records system are to eliminate duplication, decrease time spent in records search, and provide efficiency in compiling data.

e. Reduction of overall cost, instant processing of evidence, and maintaining "chain of evidence" are the primary objectives for a photo lab.

IMPACT: Objective a

- operational efficiency
- appraisal of officer safety
- manpower requirements
- unit cost to maintain prisoners
- prisoner care

Objective b

- dispatcher efficiency
- dispatch personnel and cost
- cost comparison
- number of calls received

Objective c

1. Response time

Objective d

1. Records Search
2. Cost Savings
3. Records System Efficiency
4. Cost Benefit

Objective e

Reduction of overall cost, instant processing of evidence and maintaining "chain of evidence" are the primary objectives for a photo lab.

DATA AVAILABLE: Objective a

a. Operational efficiency-booking and lock-up of prisoners

b. Appraisal of officer safety - booking and lock-up

c. Manpower requirements to operate 24 hour operation

d. Unit cost to maintain prisoners in the combined facility vs the two facility concept

e. Prisoner care - humane treatment, quality of food and sanitary conditions

Objective b

a. Efficiency by the dispatcher in providing immediate response to the needs of the caller requiring assistance

b. Dispatch personnel and cost required to maintain a 24-hour operation

c. Cost comparison of single to dual communication facilities

d. Number of calls received on the play back recorder requesting highway and weather conditions

Objective c

The time of each call requiring immediate response will be recorded by the dispatcher. The officer responding to the call will notify dispatch of his arrival time on the scene. This time will also be logged plus the total elapsed time.

Objective d

Time required in records search under the new system as compared to the old.

Cost saving by elimination of inter-departmental records search.

Efficiency of the central records system in compiling data.

Cost benefits derived through consolidation of records including personnel required to maintain the records system.

Objective e

This facility will be analyzed in terms of cost benefit (return on investment), e.g., 1,000 photos processed, cost 60¢ per copy (commercial rate), 06¢ per copy (new photo lab), $3,000 estimated cost of lab facilities.

The formula derived, 1,000 x .60¢ - 1,000 x .06¢ = $540 net benefit

$$\text{Return on investment} = \frac{\text{Net Benefit}}{\text{Facility Cost}} = \frac{\$540}{\$3,000} = 18\%$$

Since the attitude of each law enforcement agency is the key ingredient of success, an attitudinal survey will be conducted before start-up of the project and again, at the end of one year. Qualitative measures will be analyzed to determine what factors influenced the project results.

MONITORING: A preapplication conference was held to lend technical assistance in formulating and writing objectives.

The project implementation is frequently monitored by an SPA field representative. Quarterly reports are analyzed to assess the progress in meeting the operational schedule.

Future projects of this type will depend on the success or failure of partial or total consolidation of law enforcement agencies. The results obtained in the final analysis will provide information for similar projects in the special impact program area.

TITLE: SMALL DEPARTMENT REPORTS AND RECORDS SYSTEM

BUDGET:

Federal	State/ Local	Total
$20,000	$3,927	$24,709

OBJECTIVE:

To provide a method of recording significant events as they occur and insuring organized storage and ease of retrieval. Through such a system, a police or sheriff's office can maintain an up-to-date, accurate, reliable set of records which will meet its operational and administrative needs.

ACTIVITIES:

Recognizing that records are a vital part of any organization, the SPA, in 1973, developed a Small Departments Reports and Records System (SDRRS) for law enforcement agencies.

The system includes 17 standard forms and report formats and a user's manual detailing the use and storage of forms, and a filing cabinet for storage.

Field surveys revealed that many law enforcement agencies lacked uniformity in their record-keeping systems, some were fragmented, and some were non-existent. Many, particularly small agencies, had problems in setting up a records system.

IMPACT:

It is the opinion of the SPA records system personnel that the overall quality of reports received monthly from law enforcement agencies shows a substantial improvement since the installation of the SDRRS.

Small law enforcement agencies use the SDRRS extensively as it is their total system.

Medium and larger agencies supplement their record-keeping function with the SDRRS.

The records system does not appear to need any extensive changes. There is a possibility that some forms could be modified. Any needed changes will be determined by the Research and Design Bureau of the SPA.

DATA AVAILABLE:

A questionnaire was designed by evaluation as part of the evaluation component. Questionnaires were provided to each regional representative for distribution throughout the state. After completion by law enforcement agencies, the forms were returned to each region representative, at which time he completed the last part by providing his analysis for each agency contacted.

Since 53% of the agencies completed and returned questionnaires, it was determined that this was would be a sufficient return to provide a valid sample of all agencies using the system.

Department Size	Questionnaires Returned from Agencies	
1 - 5	23	59%
6 -10	11	28%
11 -20	4	10%
21 -40	1	3%

The evaluation component was designed to determine the extent of use among agencies, and

a. how agencies differ in their use of the system;
b. how use varies with department size; and,
c. whether there are reasons to make extensive changes in the records system.

The survey questionnaires, compiled and tabulated, produce the following results:

74 agencies have records systems
39 questionnaires returned or 53% of total to SPA

1. Of those surveyed, 69% received technical assistance from the SPA in setting up the small department records system.

2. The system was not difficult to initiate for 82% of those responding, while 8% indicated some difficulty. The remaining did not respond.

3. The user's manual, designed by the SPA, was easy for 74% to understand, and not easy for 5%. The remaining failed to respond or were undecided.

4. Two departments, or 5% responded that they would have borne the cost of installing the records system, but at a later date. Forty-one percent indicated they would not, and 51% didn't know.

5. Sixty-seven percent maintained a records system prior to this one, while 23% did not. The other respondents had very little in the way of a records system, and some failed to respond.

MONITORING:

Field surveys conducted by regional representatives revealed the lack of uniformity in recordkeeping. The representatives conducted on-site visits to assure receipt and utilization of the system and requested assistance from the SPA to set up the records system. Monitoring reports were submitted by field representatives on project status.

TITLE: LOWER COURT IMPROVEMENT - PRESENTENCE INVESTIGATOR

BUDGET:

Federal	State/ Local	Total
$7,500	$2,500	$10,000

OBJECTIVES:

a. To conduct 30-40 presentence investigations referred by the Judge each month, within three to eight days of referral

b. To provide presentence investigation on approximately 10% of total monthly misdemeanor cases (including DWIs) each month

c. To follow up on 100-120 cases over a 12-month period of those cases referred by the Judge (as a condition of sentence) to treatment facilities

ACTIVITIES:

This subgrant provided subsidized employment to a LEEP graduate within the City of Missoula lower court system as a presentence investigator. The project primarily provided presentence investigation for the court so that more equitable sentences could be delivered, as well as follow-up responsibilities for those conditioned sentences deemed appropriate by the Judge.

The presentence investigator has two primary functions:

1. to investigate all referrals made by the Judge; and,

2. to follow up on cases that involve stipulations and requirements placed on the offender as a condition of either a suspended or deferred sentence.

Given both responsibilities, the presentence investigator has an average monthly caseload of 56 cases per month, of which just under half of the caseload involves follow-up to insure that individuals are not violating their conditions of sentence.

It has been the project's goal to provide sentences based on additional information gathered in the form of presentence investigations.

IMPACT:

a. This objective was met during five months of operation (March, 1975, through July, 1975). In the following five months (August, 1975, through December, 1975), the objective was not met because fewer than 30 presentence investigations were conducted per month. During a 10-month period, the objective was met half of the time -- ranging from a high of 45 presentence investigations in March and May to a low of 13 in September. Over a 10-month period, an average of 30 presentence investigations took place per month.

   Of 296 referrals, 285 received a presentence investigation within three to eight days after referral from March, 1975, through December, 1975. Only four percent of the referrals were not investigated within three to eight days. Eleven of 296 referrals not investigated within three to eight days were delayed because of various reasons, such as:

   1. five failed to appear; therefore, arrested and rescheduled;

   2. three were postponed or staff error made in scheduling;

   3. two needed more comprehensive investigation and were rescheduled; and,

   4. one needed information from out of state.

   The above cases were investigated during the same month referred.

b. This objective was exceeded when 296 of 2,245 state, misdemeanor, and DWI cases received presentence investigations from March, 1975, through December, 1975. A total of 13% of all state, misdemeanor, and DWI cases received presentence investigation information prior to sentencing -- a high of 17% in May to a low of 10% in December. The number of investigations always exceeded the objective of 10%. Of the 296 presentence investigations, 23% (69 offenses) were DWI offenses, and 77% (227 offenses) were state or other misdemeanor offenses, such as petty larceny, assault, and indecent exposure. Over a 10-month period, an average of 13% of the DWI, state, and other misdemeanor cases per month received a presentence investigation.

c. From March, 1975, through December, 1975, 86 cases were referred by the Judge for follow-up. Fifty-eight of the 86 cases completed their treatment, and at the end of December, 1975, 28 cases were still being followed by the presentence investigator.

Over a 10-month period, an average of 8.6 cases (individuals) were being referred by the Judge per month. If this average continues, approximately 103 cases will be followed by the presentence investigator over a 12-month period. If this occurs, the objective will be met by the end of a 12-month period.

DATA AVAILABLE:

Cases in lower court
Number of referrals by Judge for investigation
Misdemeanor and DWI cases
State misdemeanor and DWI cases
Total cases investigated
Number of cases referred for follow-up
Number of cases completed treatment
Number of continuing treatment cases

MONITORING:

A preapplication conference was held with the subgrantee to format the subgrant narrative and establish measurable objectives. An SPA regional representative monitors the project on a regular basis.

PART IV - SPECIAL REQUIREMENTS

RELATED PLANS, PROGRAMS, AND SYSTEMS

The following programs and systems and their relation to the criminal justice system are discussed in this section.

RELATED PROGRAMS

1. Montana Youth Development Bureau
2. Highway Safety Act
3. Montana Mental Health Facilities
4. Institutional Mental Health Facilities
5. Montana Alcohol and Drug Abuse Prevention Plan

L.E.A.A. GRANT PROGRAM

- Discretionary Grants

THE MONTANA CRIMINAL JUSTICE INFORMATION SYSTEMS PLAN

STATE AND OTHER AGENCIES

1. Department of Military Affairs
   - Civil Defense
   - Montana National Guard
2. Department of Highways
   - Gross Vehicle Weight Division
3. Department of Business Regulation
   - Division of Weights and Measures
   - Consumer Affairs Division
4. Department of Community Affairs
   - Human Resources Division
5. Department of Social and Rehabilitation Services
   - Rehabilitative Services Division
   - Social Services Bureau
6. Alcohol and Drug Countermeasure Laboratory
7. Education Programs
8. Manpower Programs
9. The Housing and Community Development Act of 1974

MONTANA JUSTICE PROJECT

JUVENILE JUSTICE PAGE REFERENCE

JUVENILE JUSTICE AND DELINQUENCY PREVENTION SUPPLEMENT

MONTANA

YOUTH DEVELOPMENT BUREAU (YDB)

The Montana Youth Development Bureau originally was established as the Rural America Project by the Juvenile Delinquency Prevention and Control Act of 1968, amended in 1972. In addition to administering the runaway youth act programs, the YDB on October 1, 1975, began administration of youth-related Social Security Title XX programs within five broad national goals:

1. Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

2. Achieving or maintaining self-sufficiency, including the reduction or prevention of dependency;

3. Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families;

4. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; or,

5. Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individual institutions.

The philosophy underlying this goal structure is that the highest possible level of independent functioning should be pursued. The program should move people away from relatively dependent individual functioning (characterized in the extreme by insititutional placement) towards relatively independent functioning (characterized at the other end of the spectrum by financial and social independence).

Within these goals and as a result of statewide public hearings, YDB has outlined objectives in the following areas:

1. Planning and community development;
2. Youth development and primary intervention;
3. Intervention and diversion from the juvenile justice system;
4. Provision of group care treatment.

The YDB operates with a state staff and community workers in Butte/Anaconda, Missoula/Polson, Helena/Augusta, Shelby/Cut Bank, Great Falls, Billings, Glendive, and Kalispell. The workers' responsibilities extend district-wide.

Juvenile justice planners of the Montana SPA and Youth Development staff meet regularly for coordination of program planning, needs assessment, and grant consideration. A joint agreement involving staff sharing for juvenile justice planning was signed by the SPA Administrator and the Administrator of the Department of Community Affairs. Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (the Runaway Youth Act) is the one section of the act administered by the Office of Youth Development through Montana's Youth Development Bureau.

HIGHWAY SAFETY ACT

The Montana Highway Traffic Safety goal is to lower the accident severity and fatality rate to the minimum consistent with an efficient motor vehicle transportation system.

The following law enforcement related projects have received funding under title 402 of the Highway Safety Act of 1966 and 1973, and are coordinated by the Highway Traffic Safety Division.

Anticipate FY 1977 Safety Projects Related to Law Enforcement

1. Continue driver license record automation (on-line access to driver license records for law enforcement)

2. Continue selective enforcement program at high accident locations (Highway Patrol)

3. Initiate special selective enforcement program for local police and sheriffs (alcohol and speed enforcement)

4. Conduct special traffic enforcement workshops for local police and sheriffs (alcohol and selective enforcement methodology)

5. Upgrade field testing equipment to determine blood-alcohol level in drinking drivers

6. Continue pre-sentence investigation system and court referral schools in three local court systems. (Missoula, Billings, and Great Falls)

MONTANA MENTAL HEALTH FACILITIES

Montana's comprehensive mental health services program has two overall purposes:

to assure the state's commitment to fulfill its obligations of participation in the Public Health Services Act, and to provide a mechanism for direction and communication between the Montana Department of Institutions and other state and local organizations involved in delivery of mental health services.

Warm Springs State Hospital is responsible for administration of institutional care to the mentally ill. Supportive services provided at WSSH include: individual and group therapy, occupational therapy, recreational therapy, industrial therapy, educational (academic and vocational-technical) counseling and training, music therapy, and full medical care.

In addition, WSSH personnel, through contracts with the five Regional Mental Health Boards, coordinate aftercare and follow-up services for discharged patients.

As of July, 1975, local community mental health centers (CMHC) were empowered to become private non-profit corporations separate from direct state agency affiliation. The Department of Institutions was empowered to contract with regional mental health corporations for the purpose of the prevention, diagnosis, and treatment of mental illness. In line with this sanction, the department has chosen to contract with five regional mental health boards for provision of the following services:

-Inpatient: provision of 24-hour short-term care and evaluation typically provided in a medical setting.

-Outpatient: provision of group and individual therapy on a regularly scheduled basis.

-Day Care and Partial Hospitalization: provision of less than 24-hour care or partial hospitalization during nights, evenings, or weekends.

-Emergency: provision of immediate mental health care and evaluation for persons in crisis on a 24-hour a day basis. Service is provided on a face-to-face and crisis telephone basis.

-Children and Elderly: provision of a full range of diagnostic, treatment, liaison and follow-up services with special attention to these age groups.

-Alcohol and Drugs: provision of a program for prevention and treatment of drug abusers and alcoholics.

-Transitional or Halfway Houses: provision of residential treatment to individuals released from institutional care who, in the absence of such facilities, would require inpatient services. This service fosters gradual, phased return to community living.

-Aftercare or Follow-up: establishment and maintenance of contact with persons discharged from institutions in order to maintain treatment.

-Screening and Diagnosis: provision of diagnostic evaluations for courts and other public agencies with persons who are being considered for referral to State mental health facilities. Such screening is also performed for current institutional residents to insure appropriateness of placement.

-Consultation and Education: provision of training and assistance to a wide range of individuals involved with mental health services, including health professionals, schools, courts, state and local law enforcement, members of the clergy, public welfare agencies and other appropriate entities.

Illustration IV-1 on the following page shows Montana mental health regions.

MENTAL HEALTH REGIONS IN MONTANA

Illustration IV-1

Warm Springs State Hospital
Non-Participating Counties

Community Mental Health Centers
Center Satellite

Institutional Mental Health Facilities

All correctional institutions in Montana have a program of clinical services available to their inmates. During 1974 and 1975 all institutions improved services to inmates by the addition of professional staff and the expansion of their mental health programs.

Montana State Prison

The clinical services program at Montana State Prison consists of one full-time clinical psychologist as project director, one clinical psychologist on a consultant basis, and two clinical psychologist trainees on a part-time basis.

In addition to this, a Psychiatrist M.D. comes from Warm Springs, the State Mental Hospital, for visits twice weekly.

A drug counselor from the Southwestern Montana Drug Program in Butte is available to give inmates individual counseling. He assists the inmates in developing pre-release plans for placement into community drug programs, drug therapy centers, or other treatment areas.

The alcohol program, located at nearby Galen State Hospital, is fully operational and has a representative who visits the prison. The Alcohol Treatment and Rehabilitation Center gives an orientation or pre-entry program at the prison and then accepts the inmates on a pre-release basis. The inmates are paroled directly to the Alcohol Treatment and Rehabilitation Center and do not enter employment until they have completed the program.

The prison also has obtained the services of a full-time Bureau of Indian Affairs counselor to concentrate on the special problems of Indian inmates. The "Dial Home" program provides closer contact between the inmate and his family via telephone. The staff/inmate committee concept is being utilized to bring deeper inmate involvement in problem solving. The "Due Process of Law" concept has become part of the disciplinary procedure. Also, procedures have been changed to allow sealed letters to go to certain state and federal officials.

Swan River Youth Forest Camp

Mental health services are available to the inmates of the Swan River Youth Forest Camp through the Western Montana Regional Mental Health Center. A psychologist from the Ronan satellite office visits the camp on an average of one day a week to provide treatment and testing.

Mountain View School

The Mountain View School for Girls at Helena has a full-time clinical psychologist for its mental health program. Clinical services now consist of testing evaluation, treatment, individual counseling, group counseling and therapy, and consultation with other staff members. The Mountain View School uses the services of the Helena satellite office for its more severely disturbed girls. The Helena satellite office has nine professionals, including two psychiatrists, two psychologists, one psychiatric nurse, one community health nurse, two community mental health workers, and one occupational therapist.

Pine Hills School

At Pine Hills School, the clinical services staff is in the fourth year of using a modified work schedule to promote better work relationships among staff through team meetings. Consistency and comprehensiveness in working together for the benefit of the students has increased, and a closer working relationship with the entire Pine Hills School staff has evolved from this system.

The Clinical Services staff of 12 continues to offer a comprehensive medical, social psychological, and psychiatric evaluation and treatment plan to each student.

The school staff has continued to place emphasis upon improving the treatment program in the discipline unit. Emphasis is on treatment and understanding rather than punishment. They have added a supervisor-counselor in the discipline unit to coordinate this program with that of the clinical services department. The clinical staff is directly involved with the treatment process and boys who demonstrate acute behavior problems are receiving more individual help than previously.

The Montana Alcohol and Drug Abuse Prevention Plan

The Federal Drug Abuse Office and Treatment Act of 1972 directed the development and promulgation of a comprehensive, coordinated, long-term strategy for all drug abuse prevention and drug traffic functions conducted, sponsored, or supported by the federal government. The Act also empowered the federal government to set standards and assist state and local governments in expanding their drug efforts.

By Executive Order an Addictive Diseases Unit was created in April, 1973, within the Office of the Governor. This unit was transferred July 1, 1975, to the Department of Institutions. The Addictive Diseases Bureau now has subsumed the Addictive Diseases Unit along with responsibility for coordinating all activities pertaining to drug addiction.

The Drug Coordinator serves under the Addictive Diseases Bureau. The Coordinator and his staff are responsible for training, education, and information dissemination and for coordination activities with treatment facilities in the state. This office provides coordination and further direction to the above-mentioned activities and programs as they occur within Montana.

The Montana State Plan for Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation

The 1975 Montana State Plan for Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation was developed to insure continuity in planning and programming, to qualify the state of Montana for participation in the formula grant program authorized by P.L. 91-616 and P.L. 93-282, and to fulfill requirements of Section 80-2711, R.C.M. 1947. As of October 1, 1975, the Alcohol Services Division physically was transferred from the Department of Health and Environmental Sciences to the Department of Institutions.

Sections 80-2701 through 80-2722, R.C.M. 1947

The 1974 Montana Legislature passed legislation, which subsequently became law, that recognized alcoholism as an illness, and provided that proper treatment programs for alcoholism be established, maintained, and encouraged. It also was provided that Montana's efforts be coordinated and made to cooperate with those in other states. Guidelines were drawn for a comprehensive treatment program, and standards set for private and public treatment facilities.

Appropriation legislation also was passed and signed into law in 1974 which provided for an increase in the revenue tax imposed on the sale of retail alcoholic beverages. These tax monies are intended for use in the implementation of Section 80-2701 through 80-2722, R.C.M. 1947.

The 1975 Montana Legislature passed legislation entitled S.B. 61, which became law as Sections 80-2723 and 80-2724, R.C.M 1947, which stipulates that intoxicated persons be exempt from criminal prosecution for that condition, and instead be provided with proper treatment. The 1975 Legislature also passed legislation which transferred the State Alcoholism Authority from the Montana Department of Health and Environmental Sciences to the Montana Department of Institutions.

As authorized by P.L. 91-616 and P.L. 93-282, the state of Montana is eligible for $200,000 per year in formula funds from the National Institute on Alcohol Abuse and Alcoholism. The allocation of FY 1974 P.L. 91-616 formula funds were allocated on a regional basis to the four Comprehensive Health Planning Councils, Action for Eastern Montana and the Montana Indian Commission on Alcohol and Drug Abuse. The formula grant of $200,000 was utilized in the following manner: Allocation to planning areas - 85.5%, Administration - 10.0%, Training 3.0%, and Evaluation - 1.5%.

In FY76, the total monies allocated from the State General Fund for alcohol programming was $593.227. Seventeen percent was allocated for administration and 83% was used for contracts and grants for alcohol programs statewide.

Linkages and agreements have been documented and presently exist between the Addictive Diseases Bureau (ADB) and the Crime Control Division (the SPA).

ADB will provide SPA:

1. Access to all data collected pursuant to the IDARP Client Data System, funded by the National Institute of Drug Abuse (NIDA), as well as the services of the ADB staff to analyze this data as may be required by the SPA.

2. Access to all supplemental data collected in addition to IDARP system data, to the extent that client confidentiality is maintained.

3. Cooperation in any future SPA efforts to collect and analyze substance abuse data generated from either drug program client populations or from other sources, provided present client confidentiality provisions are observed.

4. Planning assistance and input for substance abuse considerations in all future SPA planning and project or program implementation.

SPA will provide ADB:

1. Access to all data collected in Montana for the FBI Uniform Crime Reporting System and through the Criminal Justice Data Center.

2. Access to data analyses pertaining to substance abuse, as well as comparative data for other typical crime categories, prepared in the normal course of SPA operation.

3. Cooperation in any future ADB efforts to collect and analyze substance abuse data generated from sources within Montana.

4. Planning assistance and input for substance abuse considerations in all future ADB planning and project or program implementation.

In addition, ADB and the SPA jointly agree to dedicate the necessary staff time and resources to "plan and develop a coordinated program of service delivery to drug abusers in the criminal justice system." Pre-planning for this process will be completed by January, 1977, and formalization of planning relationships will be completed by October, 1977.

The SPA will cooperate with ADB efforts to provide substance abuse services for all individuals in Montana's correctional institutions, emergency services for treatment of acute problems upon arrival at city and county jails, and substance abuse prevention and treatment for those incarcerated over longer periods of time.

The SPA will cooperate with ADB efforts to provide substance abuse prevention services to all individuals on probation or other supervisory release programs.

SPA cooperation will include provisions of all necessary technical assistance for ADB to obtain available LEAA funding.

LEAA Discretionary Grant Program

The following is a list of the active discretionary grants processed through the SPA. This list includes continuation grants from the preceding year.

1. 75-SS-08-0002
   MBCC Comprehensive Data System
   $137,858

2. 73-P-08-0004
   MBCC Indian Criminal Justice Planner
   $21,000

3. 75-JS-08-0030
   MBCC Juvenile Justice Planning
   $200,000

4. 76-JS-08-0002
   Juvenile Justice Supplement
   $15,000

5. 76-TA-99-6020
   MBCC Privacy and Security Plan
   $17,560

6. 76-ED-08-0003
   Offender Based Criminal Information System
   $140,785

7. 76-DF-08-0012
   Western Montana Organized Crime
   $203,800

8. 76-DF-08-0022
   Montana Department of Justice
   $151,121

9. 76-DF-08-0008
   Montana Department of Justice
   $65,121

10. 76-DF-08-0021
    Standards and Goals Continuation
    $40,000

11. 74-DF-08-0028
    MBCC Evaluation Team
    $125,000

12. 75-DF-08-0003
    Cascade County Juvenile Diversion Project
    $90,882

13. 75-ED-08-0004
    Blackfeet Tribe
    $230,274

Department of Military Affairs

Civil Defense

The Civil Defense Office is responsible for coordinating emergency response of all local law enforcement units in event of natural disasters, civil disorders, or possible foreign attack. The Civil Defense Office has assisted each of the 56 counties in developing an emergency plan. Each county has a basic plan, and some have developed more elaborate plans for any emergency.

Civil Defense directly assists in the coordination of county government activity in case of a civil disorder or emergency situation. Additionally, the Civil Defense office will provide any county with excess or surplus government property in order to legitimately increase this readiness. Excess property is defined as major items such as vehicles that are loaned to the county for five years. Surplus property is defined as smaller items that are within the budget of the county and can be purchased at reduced costs. There are basically four types of equipment: office equipment, ground transportation of all types, emergency medical equipment, and search and rescue equipment.

The Civil Defense is headquartered in Helena with a staff of 18 including contract personnel. The office also has six district headquarters strategically located throughout the state. Each is staffed with a full-time person. Each county provides one person to work with civil defense on a part or full-time basis.

Montana National Guard

The Governor is commander-in-chief of the militia forces of the state, except when they are in the actual service of the United States. He may call out any part or all of the forces to aid in the execution of the laws, suppress insurrection, repel invasion, or protect life and property in natural disasters.

The National Guard has a military support to civil authority office located in Helena.

The National Guard assists communities in developing and revising plans for coordinated state and local emergency response. A civil disturbance control plan has been developed in six major Montana cities. This plan can be expanded to other areas or communities where a potential emergency situation exists.

The state headquarters for the Army and Air National Guard administration are located in Helena. The Air National Guard is in Great Falls. Four other major units are headquartered in Billings, Bozeman, Kalispell, and Missoula. There are also 30 sub-units strategically located throughout the state. The Army National Guard has 2,660 men and women and the Air National Guard has 900 men and women.

Department of Highways

Gross Vehicle Weight Division

The Gross Vehicle Weight (GVW) Division is primarily responsible for registration and enforcement of vehicle size and weight laws. It has seven major duties to perform:

1. Inspection of all intra-state trucks, and trailers and the collection of gross vehicle weight fees;

2. Registration of all interstate vehicles requiring proportionate registration;

3. Issuance of permits for all oversized and overweight vehicles and loads and the enforcement of all size and weight laws;

4. Issuance of permits and inspection for taxation of the movement of mobile homes;

5. Enforcement of commercial vehicle moves (factory to factory and dealer to dealer) of all new and used vehicles;

6. Enforcement of fuel tax laws; and,

7. Enforcement of importers gasoline tax laws.

The GVW division has a statewide network of 31 checking stations. Of these, eight are mobile and move throughout the state. Currently, the 55 uniformed GVW officers are designated as peace officers. They now attend basic school at the Academy and have the power to arrest for violations of GVW regulations.

Weights and Measures Division

The Division of Weights and Measures is responsible for weight and quantity control of consumer products throughout Montana. The Division regularly checks the accuracy of and seals all weight scales, and checks and verifies quantity in product packaging.

The special police powers that were vested with the state sealer were changed by the 1975 Legislature to regular police powers. In enforcing the provisions of the department or any other law pertaining to weights and measures, the department may, in the manner provided by law for peace officers, arrest violators, conduct searches and inspections, and seize for use as evidence incorrect or unsealed weights and measures or packages of commodities unlawfully used, possessed, offered, or exposed for sale or unlawfully sold.

The department has eight field men covering six districts within the state. Ten men have police power.

Consumer Affairs Division

The Montana Unfair Trade Practices and Consumer Protection Act defines unfair methods of competition and unfair or deceptive practices in the conduct of any trade or commerce. The Act also provides investigative procedures and penalties for violations of the Act.

The responsibility for the administration and enforcement of the Act rests with a state office and the county attorney's office in all 56 counties.

On the state level, a Consumer Affairs Division has been established within the Department of Business Regulation. It is staffed by three people: an administrator, a staff attorney who may initiate legal action, and a secretary.

This office processes statewide consumer problems and complaints of a civil nature and has concurrent jurisdiction with first and wecond class counties. Criminal cases may be handled only by the county attorney. The state office also may define unfair practices, promulgate rules relating to unfair practices, refer cases to county attorneys, and coordinate and act as a clearinghouse for all cases within the state.

The first-class and second-class counties may designate or appoint a consumer advocate and the counties of Missoula, Yellowstone, and Cascade have either an investigator or a deputy county attorney assigned to process consumer problems and complaints.

New legislation since 1973 includes the following:

1. A three-day cooling-off law for consumers who enter a contract for payment. A consumer may rescind a contract and receive a full refund on a down payment of $25.00 or more

2. A consumer protection bill providing a penalty for chain distributor schemes

3. Provision that correspondence courses, business colleges, and other post secondary sources of education which are not accredited by a state or national association may be licensed or regulated by the Department of Business Regulation

4. Authority for the Division to provide rules and regulations for consumer reporting agencies

Department of Community Affairs

Human Resources Division

The Office of Economic Opportunity (OEO) has been absorbed and centralized within the Human Resources Division.

Montana has nine operational community action programs which are active throughout the state, and programs on each of the seven Indian reservations. The Division contracts, reviews, programs, and funds the community action programs in each of Montana's 12 planning regions for community development services.

The services currently offered are: Alcoholism Information and Referral, Operation Headstart, Community Service Workers, Farm Worker Advocacy, Family Planning, parts of the Comprehensive Employment Training Act, and residential winterization for the poor and aged.

During 1975 approximately 6,000 individuals received financial or other benefits of one or more of the services. The total budget for all OEO programs in operation in FY 74 was approximately $7,000,000.

Rehabilitative Services Division

The Rehabilitative Services Division operates the vocational rehabilitation program in Montana and is federally funded through the Rehabilitative Services Division of the Office of Human Development, HEW.

The objective of this Division is to maintain a high level of service for the state's mentally, physically, and visually handicapped persons, helping them to achieve their fullest physical, mental, social, vocational, and economic potential.

Rehabilitative Services, in coordination with other agencies, will continue to develop and expand existing services to inmates and releasees of Montana's correctional institutions. Full-time counselors are employed at Montana State Prison, Pine Hills School, Swan River Youth Forest Camp, and Mountain View School.

Division personnel numbers 100, including 33 counselors.

Social Services Bureau

The program of this bureau is designed to deliver family and child services on an individual and group basis to economically deprived, abused, exploited, or neglected children, and to provide public social services directed toward achieving social rehabilitation and economic independence for each individual and family.

The bureau has five basic goals designed to provide comprehensive service to children, families, and adults: to treat present dependency, to provide self-sufficiency, to provide protective services, to provide services to reduce inappropriate institutional care, and to seek institutional care when appropriate.

The relationship of social service programs to law enforcement is in their service to juvenile and adult corrections cases. Adjudicated delinquent girls who are pregnant and under the care of the Department of Institutions are referred to this bureau for services and supervision.

The bureau caseworkers cooperate with local law enforcement, courts, and probation and parole officers in providing service to troubled youth and adults. Each of the state's counties has at least one caseworker who can provide adult, family, and juvenile services to the public.

Alcohol and Drug Countermeasure Laboratory

This laboratory, staffed by two chemists and a technician, was established by a grant from the Highway Safety Act. The laboratory has three main responsibilities: the maintenance of the 14 Alco-Analyzer units in the field, the certification of operators and operator supervisors, and the maintenance and monitoring of the proficiency of all operators in the state.

The laboratory has set up 14 breath analysis machines throughout the state to be used by 200 qualified operators. Each year these units ayalyze some 1,800 samples.

The laboratory also supplies, free of charge, some 2,500 mobile alcohol breath testing kits (sobormeters) annually to requesting law enforcement agencies.

The laboratory also has a Varian 2800 Gas Chromatograph used to analyze body fluids for dangerous substances. This unit will detect barbiturates, amphetamines, opiates, and methadone.

The laboratory charges the Highway Patrol $5.00 for a blood analysis and will analyze samples from all other law enforcement agencies received through the Highway Patrol.

A total of 1,738 tests have been analyzed for law enforcement agencies and of this total, 1,526 or approximately 88% of these were found to be over the 0.1 percent of the presumptive level of intoxication for the implied consent law.

Expert witness testimony has been supplied in court approximately 35 times by members of the laboratory unit throughout the state.

The annual budget for the laboratory is $42,000.

Education Programs

Title I of the Higher Education Act of 1965 authorized the use of federal funds to conduct community service and continuing education programs. Montana State University in Bozeman is the office designated to administer such funds.

The Commission on Higher Education is the agency that actually administers the various programs. Any institution of higher learning or any state or local agency may make application for participation in the program or may act as sponsor for a program provided that the program falls within the intent and scope of Title I.

Manpower Programs

All manpower training programs operating in Montana are open to former inmates of all correctional institutions without regard to race, color, creed, sex, or age. However, applicants must meet the standard enrollment criterion, which generally requires the individual to be earning less than the federally established poverty income level.

Federal-state funding for manpower training programs in the past fiscal year amounted to approximately $24 million.

In December, 1973, the Comprehensive Employment and Training Act (CETA) was signed into law. The Act provides for job training and employment opportunities for disadvantaged, unemployed, and underemployed persons to be established through a flexible and decentralized system of federal, state, and local programs. The allowable activities authorized under the Act are: classroom training, on-the-job training, public service employment, work experience, manpower and supportive services, and other manpower activities.

CETA is divided into seven sections. Title I emphasizes employment and training activities, Title II provides a Public Service Employment program, Title III designates federal responsibilities to serve special target groups, Title IV is concerned with the Job Corps, Title V with the National Commission for Employment and Training Policy, Title VI with Emergency Public Service Employment Programs, and Title VII outlines the general provisions of the Act.

To enable seriously disadvantaged individuals to participate in CETA programs, subgrantees also supply manpower and supportive services. Program participants are provided a variety of services to enhance their employability and retain employment. Manpower services include, but are not limited to: outreach, intake and assessment, orientation, counseling, job development, job placement, and transportation. Supportive services include, but are not limited to: health and medical services, child care, residential support, assistance in receiving bonds, family planning services, and legal services. Supportive services are provided in emergency situations when the lack of these services would directly affect the program participant's employability or ability to retain employment.

All CETA programs are available to offenders on the same basis as other target population groups.

The Housing and Community Development Act of 1974

This legislation has significantly altered federal involvement in a wide range of housing and community development activities. Title I, the Community Development section of this act, consolidated several existing categorical grant programs for community development into a new single program of community development block grant. The block grant approach is more flexible than categorical grants and delegates to the local government more decision making responsibility. However, some federal limitations on the expenditure of these funds by the local government continue to exist. The categorical grant programs terminated by this act are:

1. Open Space - Urban Beautification grants
2. Historic Preservation grants
3. Public Facility Loans
4. Water and Sewer and Neighborhood Facilities grants
5. Urban Renewal and N.D.P. grants
6. Model Cities grants
7. Rehabilitation loans

The cities of Helena and Butte received sizeable funds under some of these programs, especially Model Cities and Urban Renewal, between 1969 and 1975.

The primary objective of the Community Development funds is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities primarily for persons of low and moderate income. This objective is to be achieved through the elimination of slums and blighted and detrimental living conditions, conservation and expansion of housing and housing opportunities, increased public services, improved land uses, increased neighborhood diversity, and preservation of property with special value.

There are three basic categories for which community development funds are allocated to cities and rural areas:

1. Metropolitan cities with a population over 50,000 are allocated funds on a formula basis. This includes Billings and Great Falls.

2. Entitlement cities, which have previously received Model Cities, Urban Renewal, or one of the other categorical grant programs that were terminated. Helena and Butte are in this category.

3. Non-Metropolitan discretionary block grants. Grants to rural cities or counties usually for a specific project.

Background

Thirty-three representatives of the various criminal justice system associations, the legislature, the private sector, education, local government, minority groups, and the criminal justice system itself were appointed by the Governor in September, 1974, to the Montana Council on Criminal Justice Standards and Goals (Montana Justice Project). This composition was selected to provide input from all phases of Montana's criminal justice process.

Current project staff consists of the director, assistant director, two secretaries, a public information officer, and five task force coordinators. Each coordinator was selected for his or her particular skills, knowledge, and abilities relating to each one's area of task force concentration. The duties of these individuals have been:

A. Coordinate and assist in the research, review, and evaluation of existing standards and goals;

B. Provide technical assistance when necessary;

C. Evaluate and monitor task force progress;

D. Coordinate and utilize the work of the other four task forces;

E. Participate in all system functions that could have a bearing on the development of Montana's standards and goals;

F. Organize and regulate all staff work and liaison among the task forces and with the general council;

G. Research, organize, and present information with logic and supportive data;

H. Prepare and analyze reports and formulate recommendations; and,

I. Compile, write, and edit reports and rough drafts produced by the task forces for inclusion in the final comprehensive report on standards and goals in Montana.

The function of the public information officer has been vital. It was felt that without the proper perspective on public information, the chances of the program's success were dim. In a project such as this, success can be achieved only by gaining the support of all concerned with the quality of life in Montana. With this in mind, the information officer's duties were outlined as follows:

A. Establish and maintain a high level of communication among task forces, general council, SPA and SPA Regional Councils;

B. Develop and utilize a means of informing criminal justice system agencies, special interest groups, and the general public of all Montana Justice Project activities;

C. Develop a methodology for criminal justice system and public input regarding the Montana Justice Project decision-making process;

D. Prepare press releases, public service announcements and media presentations relating to the standards and goals effort;

E. Arrange and conduct press interviews to keep the public informed;

F. Research, write, organize, and edit all Montana Justice Project publications;

G. Administer the rewriting, to the finished product stage, of all standards, goals, and recommendations upon council adoption; and,

H. Handle all special events relating to standards and goals.

A general orientation conference was held early in December, 1974, to acquaint not only the Council and task force members, but criminal justice personnel and the general public with the Montana Justice Project and its aims, hopes, and desires. Subsequently, the various task forces proceeded toward the goals given them, in compliance with work objectives. Professionals within the system turned to the Montana Justice Project with their suggestions, and looked to the standards and goals program for possible solutions to many of their problems. During the past legislative session, reference to the Montana Justice Project in a supportive vein was common.

Legislative awareness of the Montana Justice Project, along with public recognition of its potential by the Governor, supported the Council's request for continuation funds from LEAA to be used to develop and publish a final report for use by the 1977 legislature.

In addition to studying the National Advisory Commission Standards, American Bar Association Standards, American Correctional Association Standards, and the Ohio comparison report, the task forces researched areas of need in Montana's criminal justice system not covered by the above documents, and originated pertinent standards and recommendations to cover these deficient areas. Emphasis on improvement, efficiency, and productivity of the system has been the foremost consideration of the five task forces, and not the mere rewriting of national standards and goals.

The products originated by the Montana Justice Project are designed with four target areas in mind for implementation: the legislature, criminal justice professionals, the public, and local government. Successful implementation will be dependent upon the collective support of these four elements.

Procedures

The following work guidelines were established for clarification of purpose and procedures:

Staff Work Guidelines

1. Public Involvement in Task Force Deliberations

   A. Make sure public notice of all meetings goes out;

   B. Work with information officer to inform and educate the public;

   C. Relay all public and professional comment/response to the task force, i.e., editorials, letters to the editor, letters, phone calls, private statements, etc.;

   D. Insure post-meeting news releases are distributed;

   E. Insure distribution of material to interested groups, leagues, and associations;

   F. Participate in hearings, civic meetings, etc.;

   G. Initiate appropriate means to promote public interest in the Montana Justice Project.

2. Comprehensive Review of Montana Criminal Justice System

   A. Gather and prepare data and statistics pertinent to task force considerations;

   B. Collect constitutional requirements, statutory laws, and regulatory rules and procedures relevant to standards being considered;

   C. Provide special studies and consultants as requested by the task force chairmen;

   D. When appropriate, or when requested by task force chairmen, compare criminal justice programs used in other states with Montana's or with proposed standards;

   E. When necessary, provide task forces with data and descriptions of related, but non-criminal justice programs, i.e., health, welfare, mental health.

3. Develop Standards and Recommendations for Montana Criminal Justice System

   A. Extract all related existing standards (ABA, NAC, ACA, etc.) for monthly review by task force;

   B. Draft original standards as requested for review by task force;

   C. Correlate data and research to specific standards to be reviewed by task force;

   D. Compile and mail to task force members at least 10 days in advance of meeting all necessary data and standards, along with agenda;

   E. Make presentations at task force meetings as required;

   F. Record notes, including dissent (when requested) on standards and the language of standards adopted, and other material or comment at the request of the chairman;

   G. Earmark adopted standards which should be coordinated with other task forces, and distribute accordingly;

   H. Following the meeting, assimilate all relevant materials and research in text supporting and explaining adopted standards;

   I. Send proposed text, including standards, to members for approval and transmittal to Council.

Task Force Work Guidelines

1. Public Involvement in Task Force Deliberations

   A. Meetings shall be open to the public;

   B. Task forces must encourage public participation and input;

   C. Meetings shall be held in different locations throughout the state;

   D. Encourage participation and input from various professional associations and leagues.

2. Comprehensive Review of Montana Criminal Justice System

   A. Review and analyze criminal justice system data;

   B. Request studies and/or consultant assistance as needed;

   C. Measure efficiency and evaluate effectiveness of existing systems and components;

   D. Consider related systems (non-criminal justice);

   E. Compare Montana's criminal justice system to other states' systems.

3. Develop Standards and Recommendations for Montana's Criminal Justice System

   A. Review existing standards (ABA, NAC, ACA, etc.) at the discretion of the task force;

   B. Compare standards to Montana's individual needs;

   C. Approve, modified or otherwise, standards appropriate to Montana's criminal justice system;

   D. Originate standards appropriate for Montana's criminal justice system;

   E. Report approved standards and text to MCCJSG with attached minority reports if demanded;

   F. Reconsider standards returned by the Council;

   G. Modify, accept, or reject new standards originating in the MCCJSG and sent to the task force for review;

   H. On request of other task force chairmen, modify, accept, or reject standards approved in other task forces.

4. Develop Proposed Legislative Changes

A. Earmark standards requiring legislation;

B. Recommend specific legislation, such as model laws.

Council Work Guidelines

A. Review and comment on task force approved standards;

B. Develop standards and recommendations regarding social justice concerns;

C. Review and propose legislation needed to implement standards;

D. Receive, review, and coordinate all five task force final reports:

1) Identify and compromise conflicting standards;

2) Identify and coordinate related and complimentary standards;

3) Accept, delete, modify, and edit standards and text in each task force report;

4) Earmark and append proposed legislation to each task force final report relevant to standards in that report.

E. Publish finalized task force reports as follows:

1) Montana Justice Project: Police Standards

2) Montana Justice Project: Courts Standards

3) Montana Justice Project: Corrections Standards

4) Montana Justice Project: Community Crime Prevention Standards

5) Montana Justice Project: Information Systems Standards

6) Publish a "Montana Justice Project Strategy Report" which states goals, ranks standards, and recommends methods for implementation.

Accomplishments

All five task force reports were submitted to the Council in March, 1976, for review and final adoption. Each task force reviewed appropriate national standards, and tailored them to Montana's unique needs and concerns. The following number of standards were submitted to the Council in March:

	Standards	Recommendations
Law Enforcement Task Force	22	29
Courts Task Force	60	2
Corrections Task Force	81	20
Information Systems Task Force	54	4
Community Crime Prevention Task Force	27	17
TOTAL	244	72

The Council adopted a large majority of these standards and recommendations. It is anticipated that, when implemented, they will significantly improve the effectiveness and efficiency of the Montana Criminal Justice System and thereby reduce crime in the state.

The standards, however, are still subject to final consideration and priority assignment by the Montana Board of Crime Control.

As of July, 1976, the above five reports are being printed. In addition to task force "findings of fact" and "implementation" suggestions, each standard contains the specific, formal action taken by the Council on it; i.e., each standard is marked "Adopted," "Amended and Adopted," or "Rejected." This method of compiling standards and goals preserves the work of the task forces for reader consideration and at the same time highlights the Council's adoption process of each standard or recommendation.

In addition to the full report, each task force extracted five standards which it felt were of highest priority for immediate implementation and requested that special attention be given to these areas. They are listed on the following page:

Law Enforcement Task Force
Five Priority Areas

1. Standard 1.3 Montana Law Enforcement Academy Funding

2. Montana Forensic Science System

   Standard 2.1 The Division of Forensic Science
   Standard 2.2 The Board of Forensic Science
   Standard 2.3 The Laboratory of Criminalistics
   Standard 2.4 The Office of Forensic Pathology

3. Peace Officer Standards and Training Funding

   Standard 1.8

4. Standard 1.1 State Mandated Minimum Basic Training

5. Standard 1.2 Reimbursement for Mandated Training

Courts Task Force
Five Priority Areas

1. Concern for the Victims of Crime

   Chapter 14 and
   Standard 3.1 Consideration of Plea

2. Court-Community Relations

   Chapter 10:
   Standard 10.1 Courthouse Physical Facilities
   Standard 10.2 Court Public Information and Education Programs
   Standard 10.3 Production of Witnesses
   Standard 10.4 Compensation of Witnesses

   Standard 9.5 Coordinating Councils
   Standard 11.6 Prosecutor Relationships with the Public and With Other Agencies of the Criminal Justice System
   Standard 12.7 Community Relations

3. The Lower Court - (THESE STANDARDS CONFLICT WITH THEMSELVES)

Chapter 8:	Standard 8.1A	Unification of the State Court System
	Standard 8.2A	Summary Disposition of Certain Matters Now Treated as Criminal Offenses
	Standard 8.1B	Courts of Limited Jurisdiction
	Standard 8.2B	Court Unification

4. Professionalization of the Adjudication Process

Standard 6.2	Professional Staff
Standard 7.4	Judicial Education
Standard 8.1A	Unification of the State Court System
Standard 9.1	Lower Courts
Standard 11.1	Professional Standards for Prosecutors and Assistant Prosecutors
Standard 11.2	Supporting Staff and Facilities
Standard 11.3	Continued Education of Professional Personnel
Standard 12.4	Defender to be Full Time and Adequately Compensated
Standard 12.5	Performance of Public Defender Function

5. Speeding Up the Judicial Process

Chapter 4:	Standard 4.1	Time Frame for Prompt Processing of Criminal Cases
	Standard 4.2	Use of Citations in Lieu of Detention
	Standard 4.3	Use of Summons in Lieu of Detention
	Standard 4.4	Pretrial Release
	Standard 4.5	Presentation Before Judicial Officer Following Arrest
	Standard 4.6	Pretrial Discovery
	Standard 4.7	Responsibilities of the Trial Court and of Counsel
	Standard 4.8	Pretrial Motions and Conference
	Standard 4.9	Trial of Criminal Cases
	Standard 4.11	Continuances
Chapter 6:	Standard 6.1	Unified Review Proceeding
	Standard 6.2	Professional Staff
	Standard 6.3	Flexible Review Procedures
	Standard 6.4	Dispositional Time in Reviewing Court
	Standard 6.5	Exceptional Circumstances Justifying Further Review
	Standard 6.7	Further Review in State or Federal Court: Prior Factual Determinations and Claims not Asserted Previously
	Standard 6.8	Stating Reasons for Decisions

Corrections Task Force
Five Priority Areas

1. Unification of Corrections

   Standard 1.2 Unifying Corrections
   Standard 1.1 Policy of Corrections
   Standard 13.1 Employment of Minorities
   Standard 13.2 Employment of Offenders
   Standard 13.3 Employment of Women

2. Diversion

   Standard 3.1 Use of Diversion
   Standard 3.2 Decision Making in Individual Cases
   Standard 3.3 Role of the Police in Juvenile Intake and Detention

3. Sentencing the Nondangerous Offender

   Standard 5.1 Sentencing the Nondangerous Offender (especially important provision 2-B compensation to the victim)

4. Standard 4.5 Expediting Criminal Trials

5. Standard 7.3 Public Information

Information Systems Task Force
Five Priority Areas

1. Security and Privacy Administration

   Chapter 6 (all standards)

2. Coordination of System Development and Use

   Chapter 1 (all standards)

3. Information Needs of System Components

   Standard 1.7
   Chapters 2, 3, 4

4. Criminal History - O.B.T.S.

   Standard 1.5
   Chapter 5

5. Mandatory Reporting

Standard 1.5
Standard 1.6
Standard 2.4
Standard 2.10
Standard 5.2

Community Crime Prevention Task Force
Five Priority Areas

1. Standard 2.2 Emergency Community Services

2. Standard 1.1 Citizen Action Council

3. Education Systems and Programs

Chapter 3: Standard 3.1 Schools as Neighborhood Service Centers
Standard 3.2 Flexibility in Curriculum
Standard 3.3 Alternative Education Programs
Standard 3.4 Community Involvement in Education

4. Standard 5.2 Conduct Codes for Political Candidates, Public Officials and Government Employees

5. Standards 6.1 and 6.2 Alcohol and Drug Abuse

By June, 1976, the Council had reviewed and adopted a total of 242 standards and 70 recommendations. At that time, each task force was abolished.

The discretionary fund continuation grant awarded to the Montana Council on Criminal Justice Standards and Goals in May, 1975, has provided the program with the necessary support to develop and publish a sixth report -- a working document containing proposed legislation for submission to the Board of Crime Control, the Governor, and the 1977 legislature.

Proposed bills are now being drafted and reviewed by the Council for inclusion in this document. Most of this legislation is based upon the priority areas designated by each task force for immediate implementation.

They include:

- mandatory reporting
- privacy and security
- judicial education
- death penalty
- police training
- police officer assistance
- detoxification financing
- increased use of public schools
- public employee code of ethics
- plea bargaining
- sentencing
- Board of Pardons

The report will be published in November, 1976, at which time the Montana Justice Project will terminate its activities.

Summarizing the products of this two-year program, Montana criminal justice personnel will have in hand five reports containing 312 officially adopted standards, goals, and recommendations, plus a sixth report containing up to 15 proposed bills for legislative actions. Substantial data, background, historical prospectus, and bibliographic references are contained throughout the reports.

Juvenile Justice Page Reference

The following summation refers to the page locations of all text and data in this plan that is relevant to the juvenile justice system. Refer also the Juvenile Justice and Delinquency Prevention Supplement (and its appendices) that accompanies this plan.

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Training	443
Facilities	447
Services	450
Information Systems	451
(B) Attention Home (Butte)	456
Silver Bow County Manpower Assistance	461
Deputy Probation Officer	464

Organized Crime and Civil Disorders

The State of Montana, along with the rest of the country, is experiencing an explosion of increasingly sophisticated criminal activity, with which its present law enforcement machinery is often unable to contend. This is particularly true in the case of organized criminal activity which is difficult to detect and almost impossible for any existing Montana law enforcement agency to investigate and prosecute. These crimes include, but are not limited to:

Gambling
Extortion
Frauds in Public Contracts
Securities Frauds
Welfare Frauds
Complex Consumer Frauds
Prostitution
Upper Level Narcotics Traffic
Organized Theft - Including Fences
Anti-Trust Violations
Embezzlement
Bribery and Corruption
Land Swindles and Subdivision Fraud
Insurance Fraud
Dishonest Legal and Accounting Practices
Labor-Business Racketeering

Although many of these crimes have been committed in Montana recently, few have been investigated and prosecuted. Of those cases investigated and prosecuted, none was the result of proactive investigations conducted by law enforcement agencies. Rather, they were incidents of so obvious a nature that they were incapable of being ignored. Few, if any, of these cases were handled outside the bailiwicks of the largest counties' enforcement-prosecution agencies.

A study conducted by the Crime Control Division in 1972 on the impact gambling could have in Montana also included some legislative recommendations.

LEAA has funded a discretionary grant in Montana whose primary goals are to investigate and prosecute organized crime on a regional basis and to create a permanent centralized investigative prosecutive unit.

Broadly, it consists of a multi-jurisdictional, multi-discipline strike force to serve as a laboratory to study, investigate, and prosecute the problem of organized crime in Montana. It is contemplated that this project will provide much useful data which will be applicable to all non-urban areas of the United States which have heretofore been unaffected by measures undertaken to combat organized crime in the urban United States. Given the nature of the problem in Montana, an intelligence function has been incorporated into the project.

In 1972, the Crime Control Division received a small discretionary grant to study the nature of civil disorder. Upon completion of the project, a resource and training bulletin was published and distributed to all Montana law enforcement agencies.

The intent of the bulletin is to provide the Montana law enforcement administrator with a working knowledge of terms, concepts, and basic methods used in controlling a civil disorder. The information contained therein will serve as a useful tool for planning for the prevention and control of civil disorders as well as a handy and informative reference.

MANPOWER PLANS

Planning for manpower is very much a corporate part of the overall planning for the criminal justice system. Manpower needs vary depending on level of government, responsibilities, organizational structure, resources, and demographic and geographic situations. Therefore, manpower planning is incorporated in other parts of the overall planning process to facilitate a continuous flow. To avoid redundancy an index to the manpower situation is being provided.

PAGE NUMBER	
62 - 63	A statewide presentation of law enforcement personnel; their ratio per population and geographic distribution
64 - 75	City and county law enforcement organizations and their responsibilities
78 - 117	State law enforcement organizations that provide specialized functions and support services
120 - 127	The jurisdiction and organization of the judicial branch of government; the State Supreme Court, District Courts, Justice of the Peace Courts, and City Courts
138 - 178	Judicial manpower and workloads, including cost data
193 - 209	Manpower, workloads, and costs for Prosecution and Defense

A problem analysis as it relates to manpower has been attempted for each area of the criminal justice system. A lack of some data has hindered some of these areas.

PAGE NUMBER	POLICE
265 - 267	Manpower problems and needs
268 - 270	Training problems and needs
271 - 273	Education problems and needs
279 - 281	Workloads problems and needs

PAGE NUMBER	Courts, Prosecution and Defense
287 - 294	Workloads and resources; manpower goals, objectives and standards
297 - 298	Training problems and needs

PAGE NUMBER	Juvenile Justice
307 - 309	Manpower problems and needs
310 - 312	Training problems and needs
313 - 315	Education problems and needs

PAGE NUMBER	Corrections
325 - 326	Manpower problems and needs
327 - 328	Training problems and needs
329 - 330	Education problems and needs
335 - 336	Workloads problems and needs

The eleven identified high crime areas of the state and their principal cities have been covered in more detail in the appropriate section, and the state's most populated area was examined with even greater detail there.

PAGE NUMBER	
26	Criminal justice expenditures per capita
27	Number of sworn law enforcement officers, ratio/ 1000 population, numbers of civilian employees
29	Entrance requirements for employment as a sworn officer
30	Attendance at the Montana Law Enforcement Academy, in-service training programs
31 - 35	Yellowstone County and the City of Billings; manpower, budgets, resources and organization

The Montana Criminal Justice Information Systems Plan

The Research and Design Bureau of the SPA has developed a Criminal Justice Information Systems Plan for the statewide development, implementation, and operation of integrated criminal justice information systems. This Plan has been accepted by the State CJIS Advisory Committee as the official State CJIS Plan. It is intended to lead to the orderly development of criminal justice information systems and the maximum use of limited resources.

The lack of reliable and accessible information about crime is a serious problem in Montana and as a result, planning, implementation, management, and evaluation of programs to reduce crime are restricted. Responsible criminal justice decision-making is further hampered by the lack of resources at both the state and local level.

The purpose of the Montana Criminal Justice Information Systems Plan is to document a method of providing information to state and local criminal justice agencies that will assist in the apprehension of criminals, the reduction of personal risk of arresting officers, the expeditious handling of court cases, and the effective treatment of offenders.

The Plan sets guidelines for all components of the state's criminal justice community for the development of an integrated statewide system of information collection and distribution. It establishes goals and objectives, defines roles and responsibilities, identifies system requirements, and develops policies and priorities for the orderly development of both automated and manual information systems pertaining to the state's criminal justice system. A five-year implementation schedule and a discussion of standards and controls for information systems are included in the Plan.

The CJIS plan has been updated to include the Offender Based State Correctional Information System (OBSCIS), which is being developed by the Department of Institutions. The CDS program will also be guided by the concepts established in the CJIS plan.

The Plan presents a challenge to the state's criminal justice agencies. State and local agencies are encouraged to develop their own criminal justice information systems plans. It is expected that this Plan will provide the basis for development of criminal justice information systems in Montana.

Refer to "The Montana Criminal Justice Information Systems Plan," a separate volume that may be obtained from the Research and Design Bureau of the SPA.

See also the introduction to this plan for Research and Design.

Technical Assistance Plan

A comprehensive technical assistance plan will be submitted to the Law Enforcement Assistance Administration, Region VIII, at a later date under separate cover. The plan will contain a detailed description of the planning process, needs, and resource identification, an action agenda, and a delivery system. The following is an accurate summary description of the system that will be implemented and utilized by the SPA during the coming year.

The technical assistance goal for Montana consists of developing a comprehensive Technical Assistance System which will assist in the reduction of crime and the improvement of the criminal justice system. There are four main objectives that have been set to attain this goal.

First, the SPA intends to develop a resource and service inventory which will identify all available public and private professional technical assistance sources for all state and local agencies involved in the criminal justice system. Second, the SPA intends to provide an assessment and analysis of the technical assistance needs and problems that have surfaced during this planning cycle. Third, the SPA intends to set priorities for all criminal justice technical assistance needs and to describe the process used to set priorities. Fourth, the SPA intends to develop a technical assistance delivery program or strategy involving the planning process that is efficient and cost-effective in identifying and responding to criminal justice system problems in Montana.

A technical assistance system must be an integral part of the overall comprehensive planning process before it can be operational. An effective system must include input from the planning, grant management, financial, and evaluation advisors within the SPA staff. In order to provide for continuing technical assistance capability, the SPA has designated a staff member who will be assigned to the planning staff as technical assistance planner. The technical assistance planner has a background in planning and evaluation, and will devote a significant part of his time to the technical assistance function.

The technical assistance strategy will focus attention on seven categories that have been selected as the major areas for consideration. The categories are: Police, Courts, Corrections Juvenile Justice, Planning and Management, Systems, and Indian Criminal Justice.

The accomplishment of the first objective is currently underway and the final product will be ready for publication and distribution this year. The Montana Criminal Justice Technical Resource and Service Guide will identify all sources of technical information in the field of law enforcement and criminal justice. The resources thus far identified from top to bottom are National level, Federal, Regional, State, State Regional, Local Capability, Private Professional, University, and College. Each resource is identified within each of the seven categories. Each resource contains the name, address and, where possible, the telephone number of the agency or individual, and a brief description of the service provided. The technical assistance guide will be distributed to regional field representatives, all regional councils, all subgrantees, and all potential subgrantees. In addition, the guide will be made available to all major state and local criminal justice agencies, and to all other criminal justice agencies upon request.

The SPA also intends to become a repository of information on all minor criminal justice projects that are either progressing or that have been successfully concluded. These are projects that may or may not have been LEAA-funded and may be anticipated for use by other agencies for the first time, such as property identification projects and special training projects. In addition, the SPA intends to become a provider of referral service to all criminal justice agencies that request a type of assistance which may be best provided by other non-law enforcement agencies.

The second objective will be accomplished by a variety of methods. First, the SPA Bureau of Research and Design has conducted a plan input survey, gathering information from all planning regions, and has arrived at an interpretation and summary of the survey data. This data is ordinarily generated at the local level and is channeled through the regions to the SPA. Second, the SPA has interviewed the field representatives and members of the regional advisory councils to determine the real problems facing local law enforcement and attempting to identify those areas where service to criminal justice is seriously deficient.

The SPA has also conducted interviews and solicited comments from SPA staff criminal justice specialists in order to integrate their ideas and statements with those from the field. Finally, the SPA has interviewed and gathered information from key persons in the Montana Department of Institutions in order to isolate and identify the needs and problems besetting the corrections system. The immediate and intermediate needs for types of technical assistance have been discussed and it is anticipated that a great deal of the technical assistance to be requested will be beyond SPA capability.

(1) The technical assistance (TA) planner will work in close cooperation and coordination with SPA staff planners/criminal justice advisors. It is his responsibility to compile and tabulate the information for the criminal justice resource and service guide and assess criminal justice needs to determine the extent and depth of problems and deficiencies. The TA planner will be the primary coordinator for gathering, interpreting, and delivering technical assistance services.

(2) A major step in the delivery of TA services will be the establishment of a TA team. The team will consist of three or four individuals, depending upon need, including the TA planner, an evaluator, a law enforcement specialist, and an auditor. The TA team will be most effective in providing technical assistance for large Part C new programs and projects and discretionary grants where a pre-application and application conference has been determined necessary by evaluation staff. The TA team can assist in needs assessment, problem identification and articulation, goal statements and objective descriptions, data analysis, and can provide basic instruction on an MBO (Management by Objectives) approach to the development and management of its grants and where possible, to its own operation.

It is anticipated that one or two follow-up sessions will be necessary to make sure that the project is going smoothly and any other problems in the operation can be detected through occasional monitoring and through careful reading of the required quarterly reports.

The findings of the auditor give a good indication of where financial TA should be provided. An intensive look at some local governments has revealed that they are not using appropriate accounting procedures for federal funds. In many cases, they take better care of their general funds. The auditor aspect of the TA team can recognize and provide budget development where needed, based upon his experience with previous grants, and can also provide instruction on setting up a separate fund accounting system.

Selective monitoring by an evaluator or staff representative reveals problem areas in programs and projects that have developed through poor management or simply a lack of time. Through consistent monitoring, deficiencies can be noted and remedies applied. On all new programs, or large projects, a team approach will be used.

The third objective will also be accomplished through a variety of approaches. The basic machinery for establishing a priority system within the SPA technical assistance framework already exists.

Currently, there are seven approaches that can play a significant role in helping to determine TA priorities.

(1) The regional councils have, in the past, successfully articulated the needs and problems of the local units of government to the SPA staff. The regional councils are a solid and direct source of information to the SPA, as they consist of many seasoned veterans, knowledgeable in the criminal justice system and the workings of LEAA.

(2) The State Comprehensive Plan for Criminal Justice Improvement is a solid resource to use in determining priorities.

(3) The SPA staff advisors and specialists, in coordination with the five major committees (Human Resources, Combined Resources, Physical Resources, Planning, and Criminal Justice Information Systems) provide a workable combination of knowledge and planning experience.

(4) The various surveys that have been conducted by the SPA have caught and revealed priority areas. The surveys to date have analyzed and provided information on jails, juvenile probation, public attitudes on victimization and crime, and attitudes of criminal justice system providers.

(5) There are priorities that naturally emerge from the compilation and analysis of criminal statistics. The crime trend data acquired through curvilinear projections displays areas of concern.

(6) The evaluations that have been conducted by SPA staff to determine levels of performance, impact, and cost effectiveness will be used extensively. Evaluations of completed projects are good indicators in making comparisons.

(7) The efforts of the Montana Justice Project in adopting standards and goals for the improvement of criminal justice must be recognized as an important tool. They will focus their attention upon the most critically needed standards and urge their implementation in a report to the Governor.

All of the above have a strong capability for arranging priorities for a TA system. However, if the priority process must spring from the above, it must be refined to reduce conflict and produce a good selection to arrive at a consensus. At this point, it appears that the priority process will be developed through a combination of statistical data and planning and evaluation efforts.

The fourth objective, the development of a TA delivery program, will be accomplished through the efforts of the TA planner, the establishment of a TA team, through a series of regional workshops, and the development and use of a TA request form.

The Regional Advisory Council is a natural source from which TA needs can best reach the local level. The councils are representative of all local government and occasionally, TA workshops can be incorporated as a part of their meetings. TA workshops face serious logistics problems, but when they can be scheduled with the advisory council meetings, the problems are overcome. The councils have access to the SPA operations and all SPA TA information and service will be made available to them.

Finally, the TA planner will develop a TA request form that will be included as a part of the subgrant application. The current subgrant application will be revised to reflect TA needs and deficiencies. The TA team and the planning team will review and react to the requests, eventually building a continuing TA system.

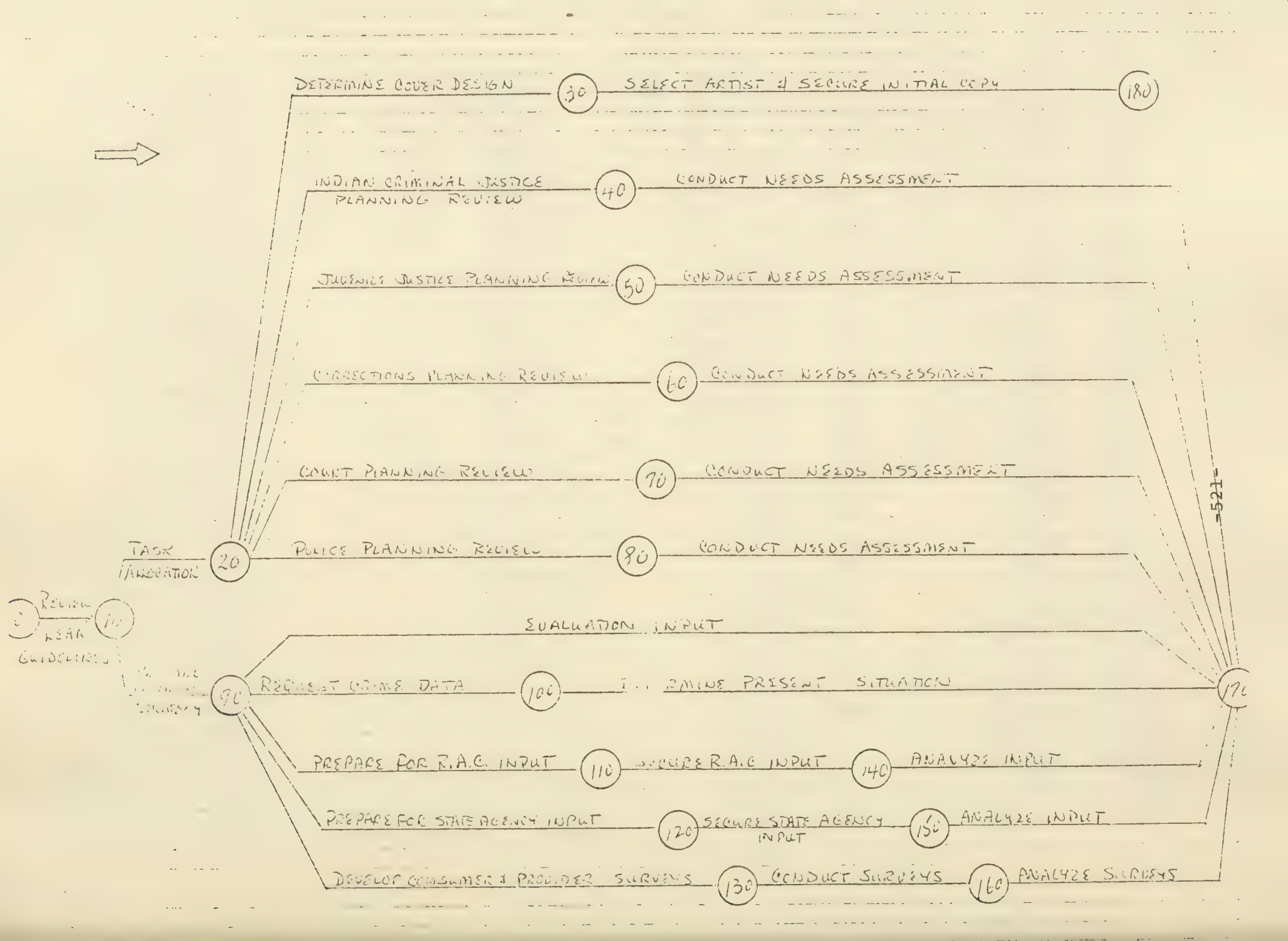
Introduction to Flow Charts

The flow charts that follow outline the major operation components of the SPA; namely, the planning process and grant administration (plan implementation) process.

It will be seen that the line drawings are in draft form since the processes have been operational only since February, 1976. Final drafts will be completed within the next two months.

The purpose of the flow charts is not only to identify the process itself, but to identify staff responsibilities as well and to provide a continuing mechanism so each process can be refined and made more efficient.

The ultimate goal of the entire operations process is to define and refine processes in order to provide local and state government with true service, both in plan implementation (primarily grants) and appropriate technical assistance.


DETERMINE COVER DESIGN
30
SELECT ARTIST & SECURE INITIAL COPY
180
INDIAN CRIMINAL JUSTICE PLANNING REVIEW
40
CONDUCT NEEDS ASSESSMENT
JUVENILE JUSTICE PLANNING REVIEW
50
CONDUCT NEEDS ASSESSMENT
CORRECTIONS PLANNING REVIEW
60
CONDUCT NEEDS ASSESSMENT
COURT PLANNING REVIEW
70
CONDUCT NEEDS ASSESSMENT
TASK ALLOCATION
20
POLICE PLANNING REVIEW
80
CONDUCT NEEDS ASSESSMENT
REVIEW
10
YEAR
GUIDELINES
EVALUATION INPUT
90
REQUEST CRIME DATA
100
EXAMINE PRESENT SITUATION
170
PREPARE FOR R.A.C. INPUT
110
SECURE R.A.C INPUT
140
ANALYZE INPUT
PREPARE FOR STATE AGENCY INPUT
120
SECURE STATE AGENCY INPUT
150
ANALYZE INPUT
DEVELOP CONSUMER & PROVIDER SURVEYS
130
CONDUCT SURVEYS
160
ANALYZE SURVEYS

FUNCTION: 20-60

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Corrections Planner

DESCRIPTION OF FUNCTION: Corrections Planner reviews past plan and procedure and calls upon other staff assistance where necessary.

****

FUNCTION: 20-70

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Courts Planner

DESCRIPTION OF FUNCTION: Courts Planner reviews planning procedure, examining both district trial court and supreme court involvement.

****

FUNCTION: 20-80

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Police Planner

DESCRIPTION OF FUNCTION: Police Planner reviews planning procedure.

****

FUNCTION: 10-90

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Entire Planning staff determines strategy for input, review, surveys, needs assessments, and formats.

****

FUNCTION: 90-100

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Crime data is to be collected from Montana Criminal Justice Data Center and other relevant sources such as the FBI Uniform Crime Reporting System. Basic data includes arrests, court actions and corrections data.

****

FUNCTION: 90-110

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Planning Bureau prepares input form and presentation for R.A.C. input. Each R.A.C. is to be advised by a member of the Planning Bureau who will also have regional responsibilities to work with the R.A.C. staff member.

****

FUNCTION: 90-120

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: State, executive and staff level meetings held with individual planning specialists.

****

FUNCTION: 90-130

RESPONSIBILITY: Planning Bureau/Bureau of Research & Design

DELEGATED TO/: Planning Staff and Bureau of Research and Design

DESCRIPTION OF FUNCTION: Planning staff provides input for consumer and provider survey form, determines what target groups will complete the instrument and sets time line for completion.

****

FUNCTION: 40-170/50-170/60-170/70-170/80-170

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Indian Criminal Justice, Juvenile Justice, Corrections and Courts Planners conduct needs assessments.

****

FUNCTION: 90/170

RESPONSIBILITY: Planning Bureau

DELEGATED TO: Planning Staff

DESCRIPTION OF FUNCTION: Evaluation input received by planning staff from MBCC Standards staff.

****

FUNCTION: 100-170

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Planners analyze collected crime data to determine status quo.

****

FUNCTION: 110-140

RESPONSIBILITY: R.A.C.

DELEGATED TO/: R.A.C. Staff

DESCRIPTION OF FUNCTION: R.A.C. input received through R.A.C. staff summaries.

****

FUNCTION: 120-150

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: State agency input received.

****

FUNCTION: 130-160

RESPONSIBILITY: Bureau of Research and Design

DELEGATED TO/: Bureau Chief

DESCRIPTION OF FUNCTION: Consumer and provider survey conducted among those selected.

****

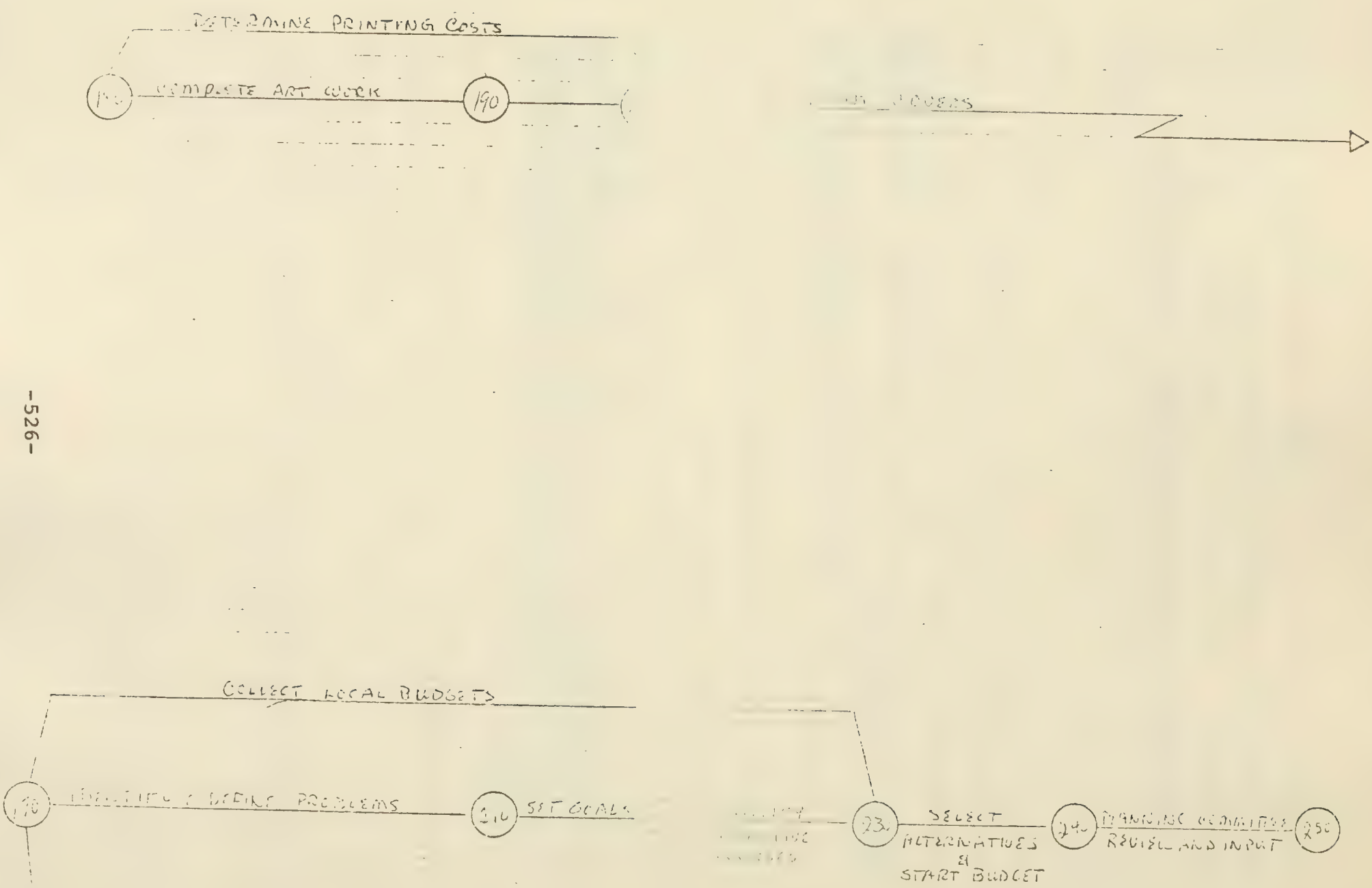
FUNCTION: 140-170/150-170/160-170

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: R.A.C. input, state agency input and survey analyzed for completeness, scope, and relationship to nine program areas. In case additional program areas appear necessary to accommodate input, strategy is designed to provide those areas and guarantee their appropriateness with the L.E.A.A. guidelines.

****


DETERMINE PRINTING COSTS
COMPLETE ART WORK
190
COLLECT LOCAL BUDGETS
IDENTIFY & DEFINE PROBLEMS
SET GOALS
ANTICIPATE PROJECTS
SELECT
ALTERNATIVES
&
START BUDGET
REVIEW AND INPUT

FUNCTION: 170-220

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Projects are anticipated relative to crime and justice system problems within program areas.

****

FUNCTION: 210-220

RESPONSIBILITY: Administrator

DELEGATED TO/: Planning Chief

DESCRIPTION OF FUNCTION: Goals are set by M.B.C.C. and established in priority determined by Administrator.

****

FUNCTION: 170-230

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Planning staff collects local budgets from Community Affairs Division. Budgets include information relative to law enforcement, courts, corrections, probation, services and planning.

****

FUNCTION: 220-230

RESPONSIBILITY: Planning Committee

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: PlanningCommittee identifies alternative courses of action where available to address specific crime and system problems. Alternatives must be consistent with LEAA guidelines and applicable to existing or newly approved program categories.

****

FUNCTION: 230-240

RESPONSIBILITY: M.B.C.C.

DELEGATED TO/: M.B.C.C. Administrator and Staff

DESCRIPTION OF FUNCTION: Choices among alternatives are made after appropriate staff and Board consultation. Draft of the budget starts here.

****

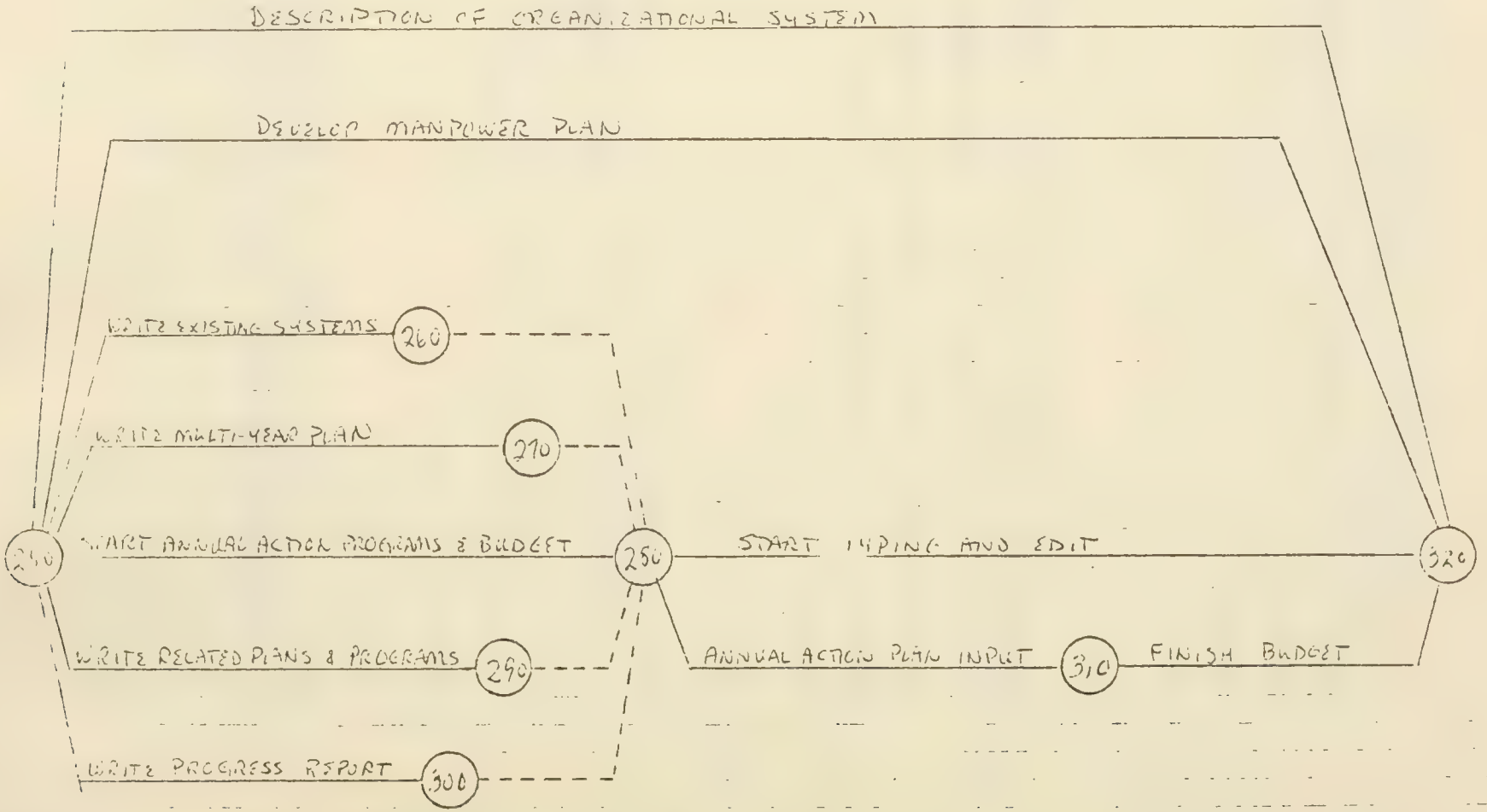
FUNCTION: 240-250

RESPONSIBILITY: M.B.C.C. Planning Committee

DELEGATED TO/: Committee Members

DESCRIPTION OF FUNCTION: M.B.C.C. Planning Committee reviews choices and provides input to Administrator and staff.

****


DESCRIPTION OF ORGANIZATIONAL SYSTEM
DEVELOP MANPOWER PLAN
WRITE EXISTING SYSTEMS
260
WRITE MULTI-YEAR PLAN
270
START ANNUAL ACTION PROGRAMS & BUDGET
250
START LAPPING AND EDIT
320
WRITE RELATED PLANS & PROGRAMS
290
ANNUAL ACTION PLAN INPUT
310
FINISH BUDGET
WRITE PROGRESS REPORT
300

FUNCTION: 250-260

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Write up of existing systems is done by each of the appropriately assigned planners. Adequate steps are taken to insure that no related systems are ignored.

****

FUNCTION: 250-270

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Multi-year plan is written in updated fashion.

****

FUNCTION: 250-280

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Begin writing annual action programs and breakdown the budget relative to each program area.

****

FUNCTION: 250-290

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Description of related programs and plans is assigned to appropriate planners.

****

FUNCTION: 250-300

RESPONSIBILITY: Chief, Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Progress report is written by Planning staff.

****

FUNCTION: 280-320

RESPONSIBILITY: Chief, Planning Bureau

DELEGATED TO/: Secretary

DESCRIPTION OF FUNCTION: Secretarial staff begins typing draft for planners; edit.

****

FUNCTION: 280-310

RESPONSIBILITY: Chief, Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Final plan input is received and revisions considered.

****

FUNCTION: 310-320

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Budget is completed.

****

FUNCTION: 250-320

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Chief

DESCRIPTION OF FUNCTION: The description of the organizational system is done by the Planning Chief. It is to include all available organizational information.

****

FUNCTION: 250-320

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Manpower Specialist

DESCRIPTION OF FUNCTION: Manpower plan is developed by Manpower Specialist.

****

320
FINISH LAYING
A EDIT
330
PREPARE
SCANNING
DRAFT
340
PLANNING COMMITTEE
REVIEW
STAFF
REVIEW
350
360
ADJUST
380
ADJUST
REVIEW
390
ADJUST & PRINT
DRAFT
400
MBEC PLAN
APPROVAL
410
370
START A-95 PROCEDURES
CONTACT A-95 REVIEWS & SIGN OFF

FUNCTION: 320-370

RESPONSIBILITY: Planning Chief

DELEGATED TO/: Standards Bureau

DESCRIPTION OF FUNCTION: A-95 review procedure is initiated and processed according to appropriate guidelines.

****

FUNCTION: 320-330

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Draft is finished and edited.

****

FUNCTION: 330-340

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Working draft is prepared.

****

FUNCTION: 340-350

RESPONSIBILITY: M.B.C.C. Staff

DELEGATED TO: M.B.C.C. Staff

DESCRIPTION OF FUNCTION: Entire MBCC staff reviews draft; noting errors, changes, additions, deletions, and program consistency.

****

FUNCTION: 340-360

RESPONSIBILITY: M.B.C.C. Planning Committee

DELEGATED TO/: M.B.C.C. Planning Committee

DESCRIPTION OF FUNCTION: Planning Committee conducts extensive review of plan.

****

FUNCTION: 360-380

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Adjustments are made to the Plan according to input and professional area consideration.

****

FUNCTION: 380-390

RESPONSIBILITY: M.B.C.C.

DELEGATED TO/: M.B.C.C.

DESCRIPTION OF FUNCTION: M.B.C.C reviews the Plan draft and makes suggestions for change, revision and clarification.

****

FUNCTION: 390-400

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Adjustments are made to the draft and another printing is made.

****

FUNCTION: 400-410

RESPONSIBILITY: M.B.C.C.

DELEGATED TO/: M.B.C.C.

DESCRIPTION OF FUNCTION: M.B.C.C. gives final 1977 annual Plan approval.

****

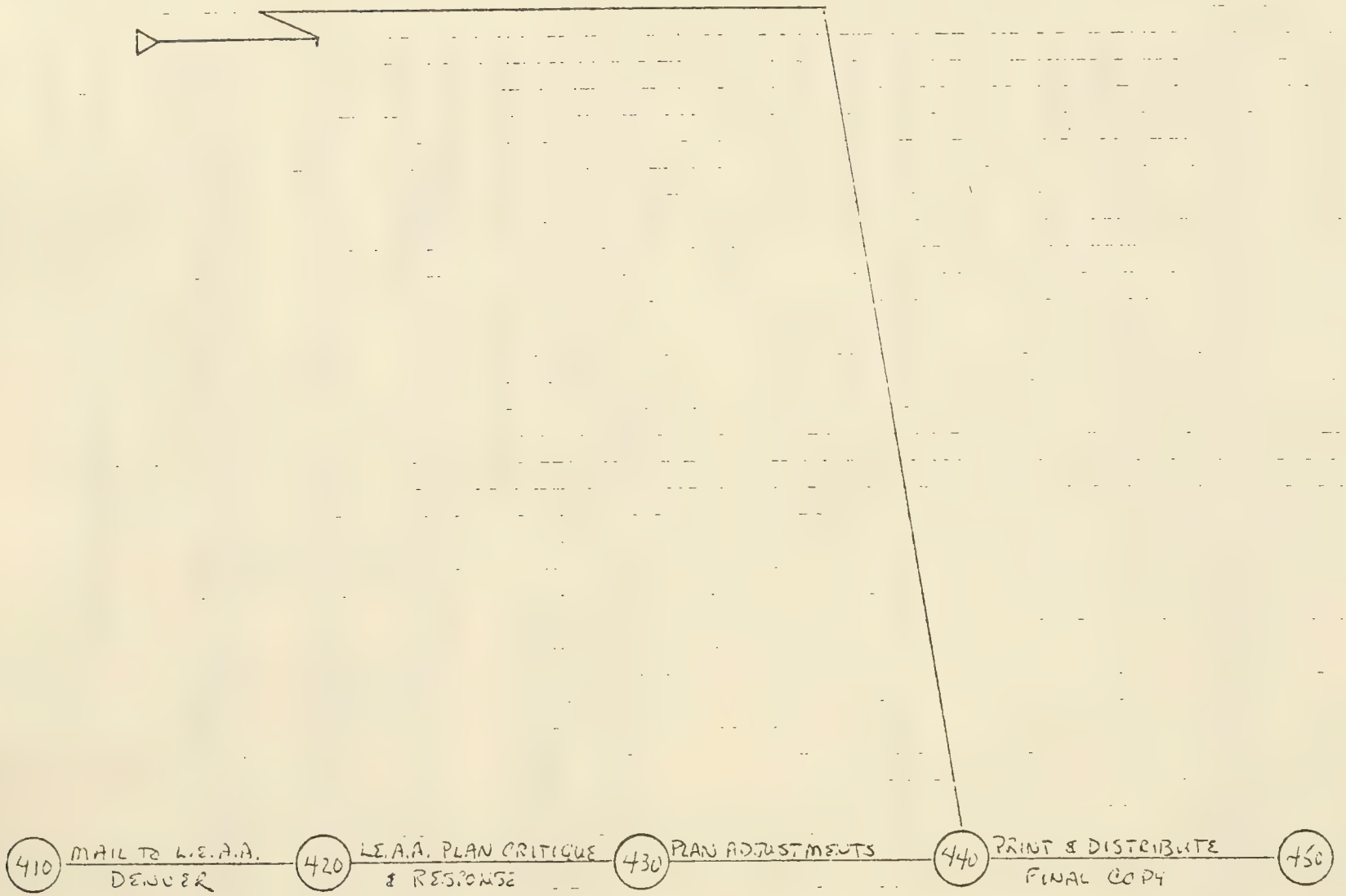
FUNCTION: 370-410

RESPONSIBILITY: Standards Bureau

DELEGATED TO/: Standards Chief

DESCRIPTION OF FUNCTION: A-95s are collected, reviewed and signed off.

****


410
MAIL TO L.E.A.A. DENVER
420
L.E.A.A. PLAN CRITIQUE & RESPONSE
430
PLAN ADJUSTMENTS
440
PRINT & DISTRIBUTE FINAL COPY
450

FUNCTION: 410-420

RESPONSIBILITY: Chief, Planning Bureau

DELEGATED TO/: Secretary

DESCRIPTION OF FUNCTION: 1977 Plan is mailed to LEAA Regional Office.

****

FUNCTION: 420-430

RESPONSIBILITY: L.E.A.A./Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: L.E.A.A. critique and responses are prepared within 90 days.

****

FUNCTION: 430-440

RESPONSIBILITY: Planning Bureau

DELEGATED TO/: Planning Staff

DESCRIPTION OF FUNCTION: Plan adjustments are made.

****

FUNCTION: 440-450

RESPONSIBILITY: Administrator

DELEGATED TO/: Information Officer

DESCRIPTION OF FUNCTION: Final copy of Montana Plan for Criminal Justice Improvement is printed and distributed.

****

Plan Implementation

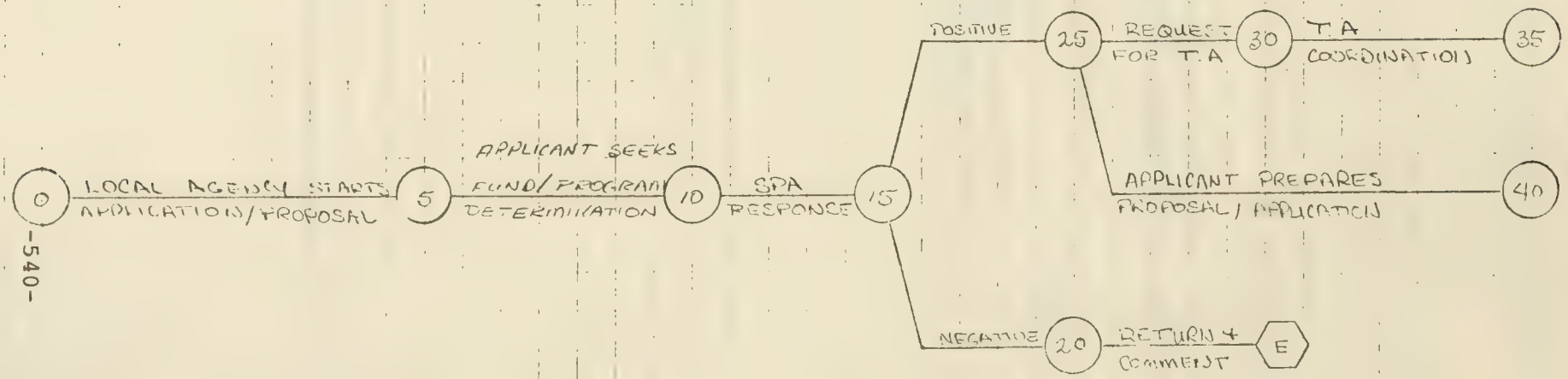
The following graphic illustration of the comprehensive planning process is intended to portray in an easily readable fashion the entire process of plan development.

Plan implementation obviously begins with its development, the the succeeding explanation of grants administration serves to further clarify implementation.

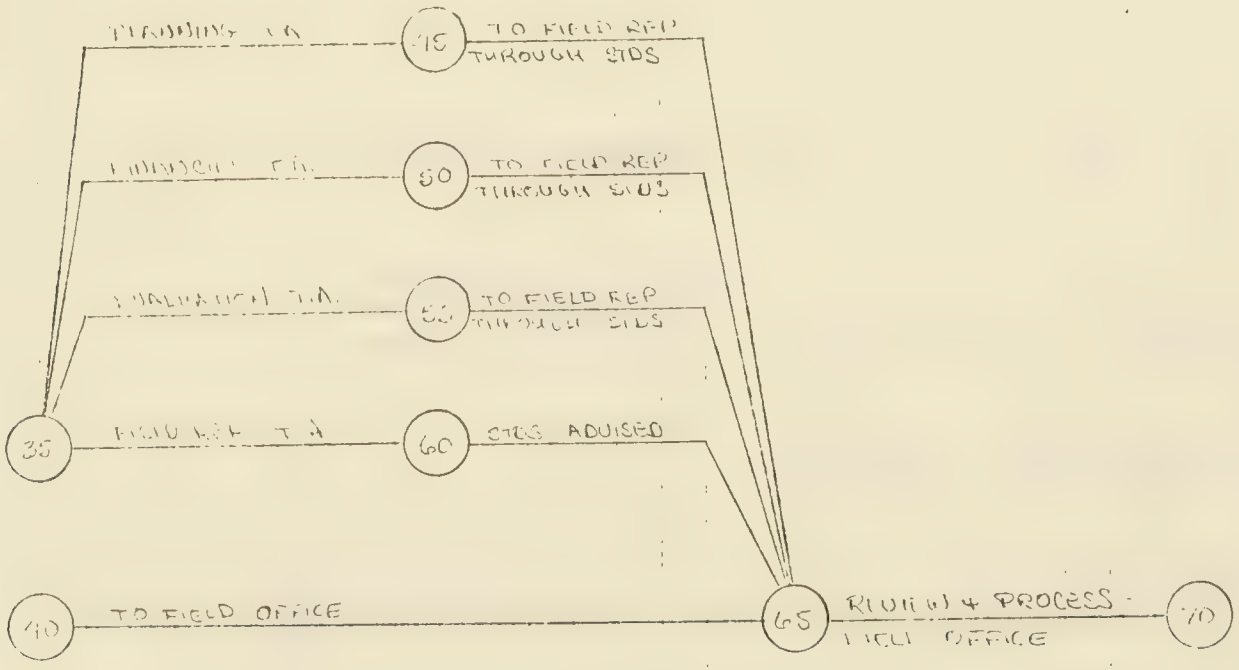
The flow diagrams were initially designed to describe these functions and with narrative explanation create an operations manual.

The operations manual is an important and frequently used tool in agency administration.

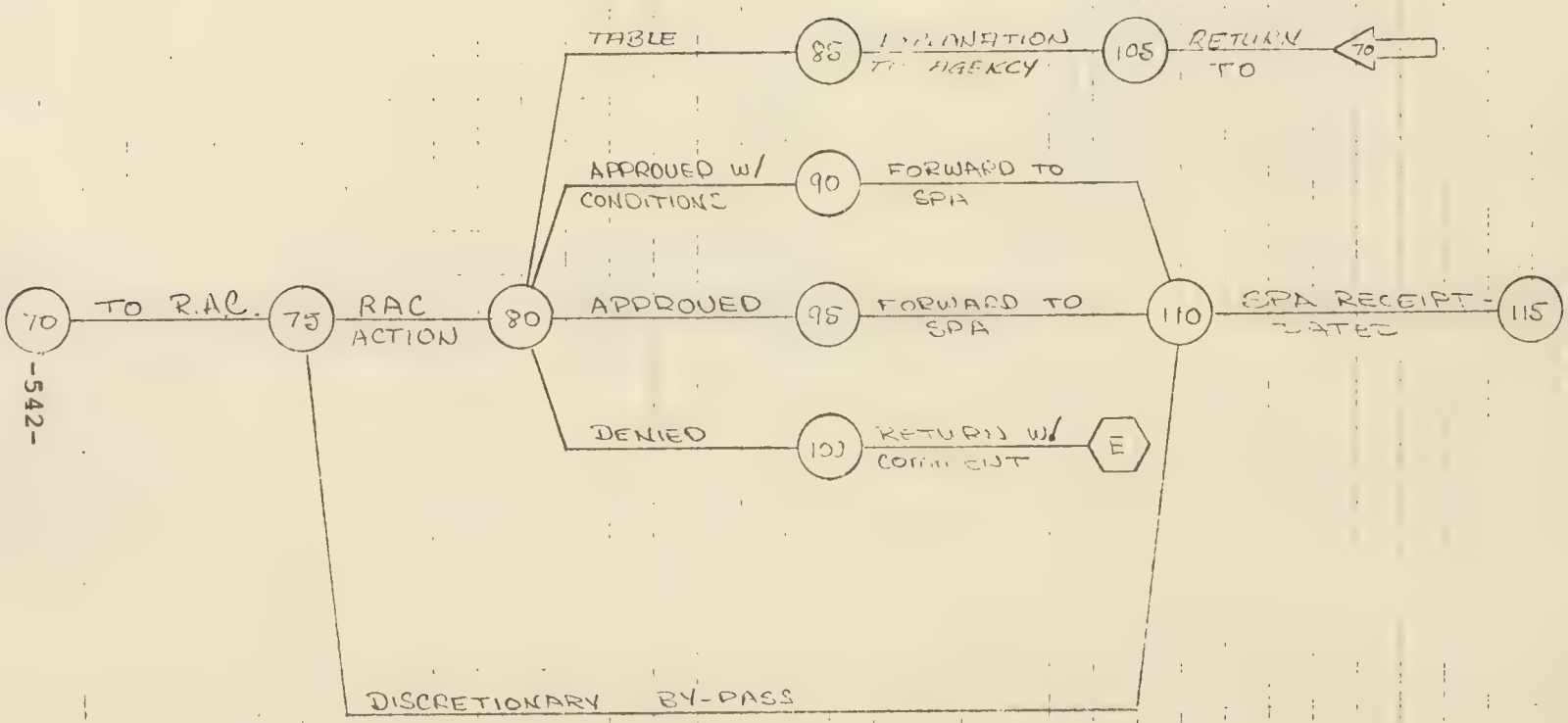
The excerpts shown here should adequately explain the procedures for development and implementation of Montana's comprehensive plan for criminal justice improvement.



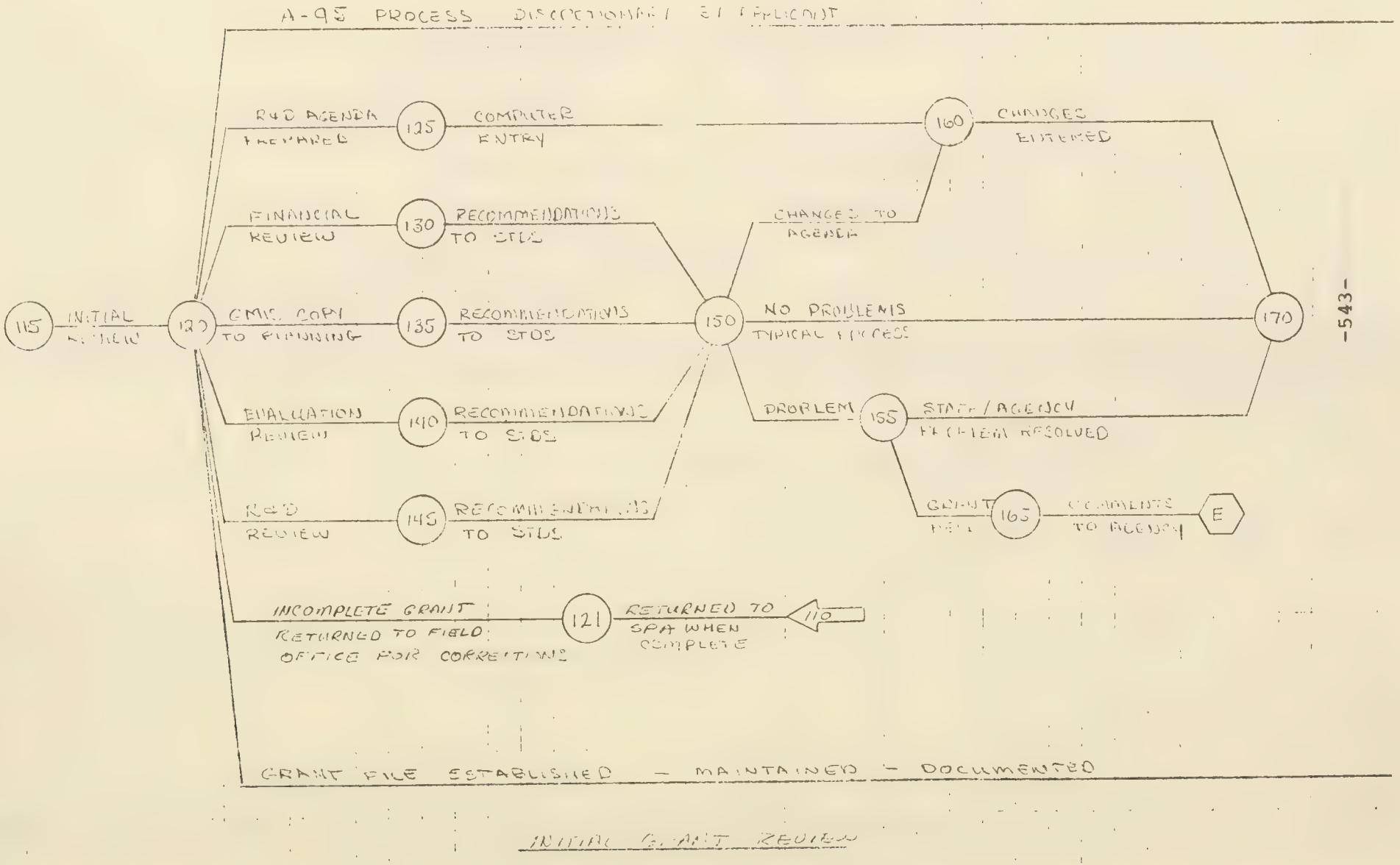
PART OF APPLICATION



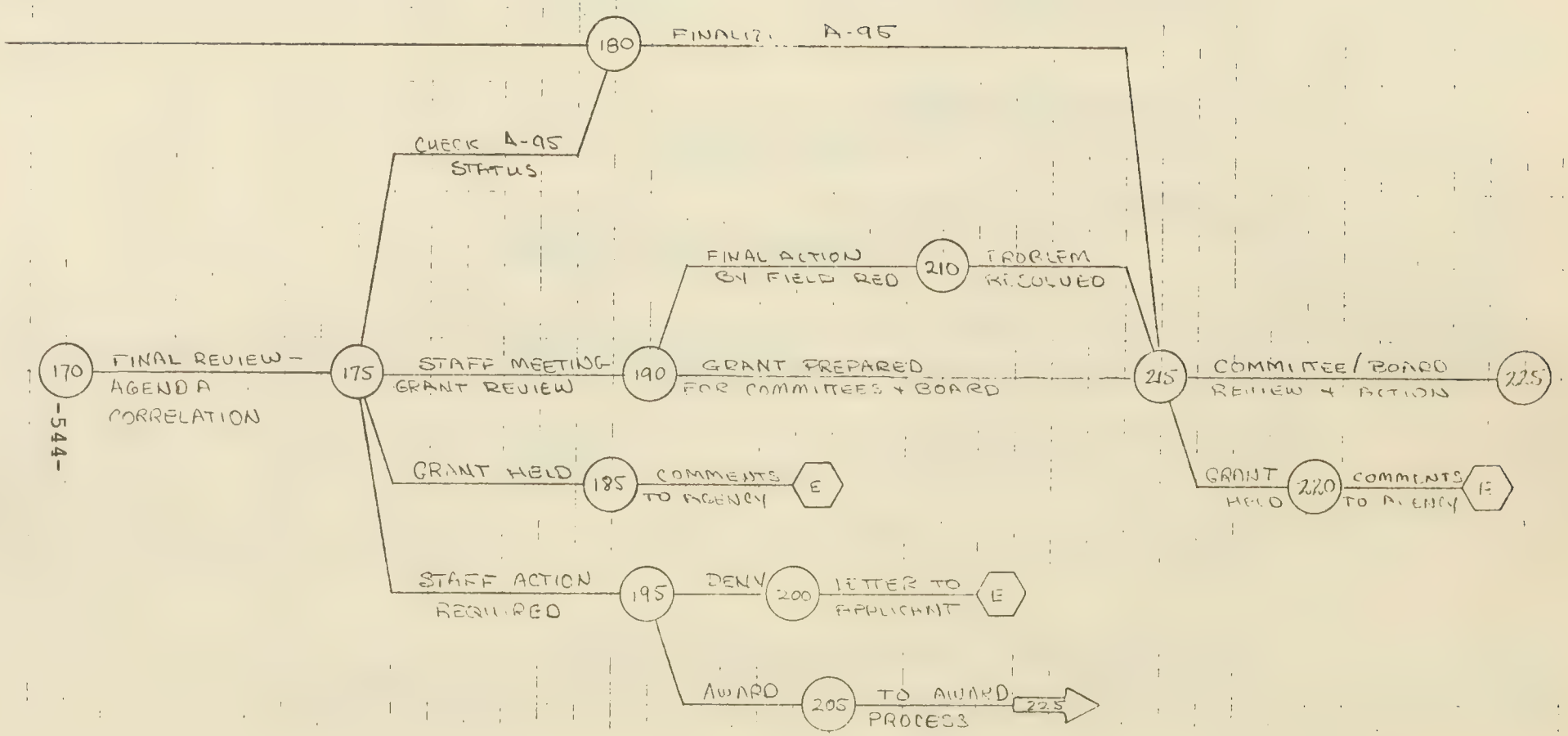
TECHNICAL ASSISTANCE - BUDGET DEVELOPMENT



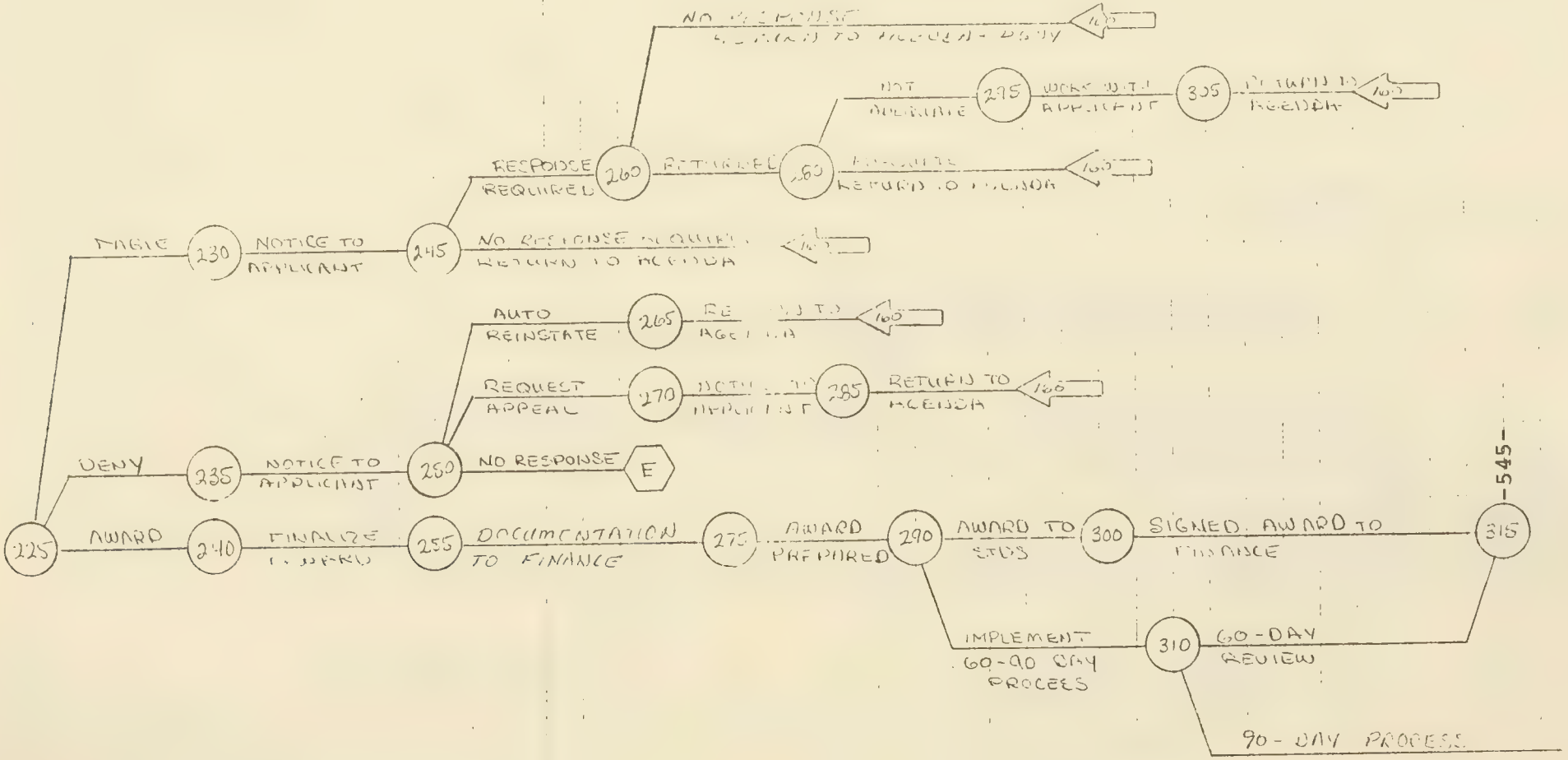
REGION REVIEW AND ACTION



INITIAL GRANT REVIEW

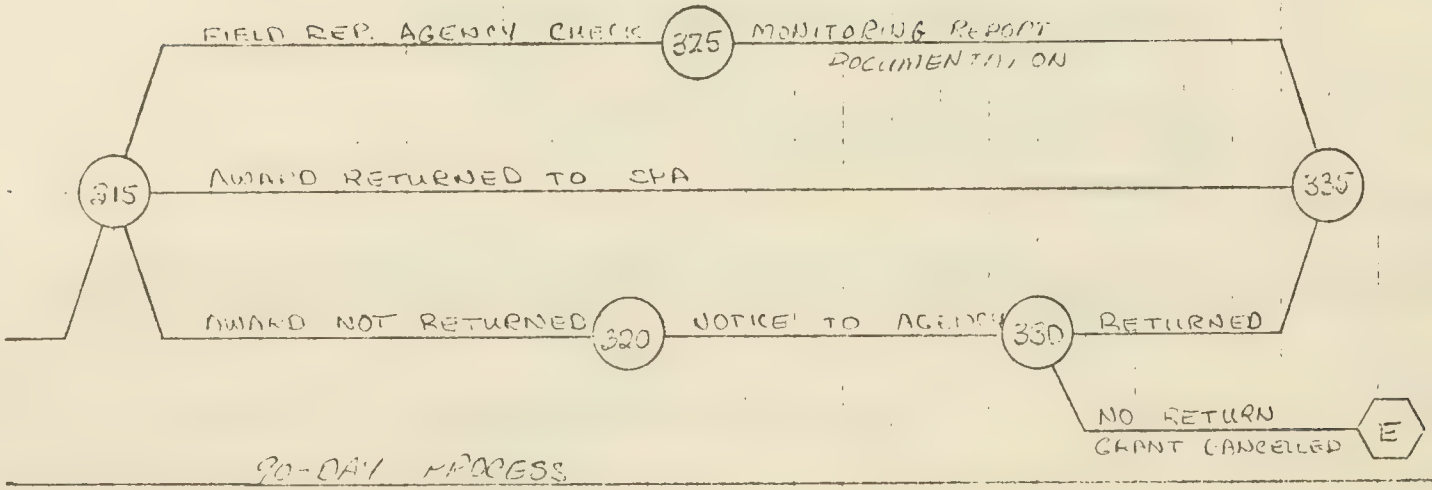


FINAL REVIEW - COMMITTEE & BOARD



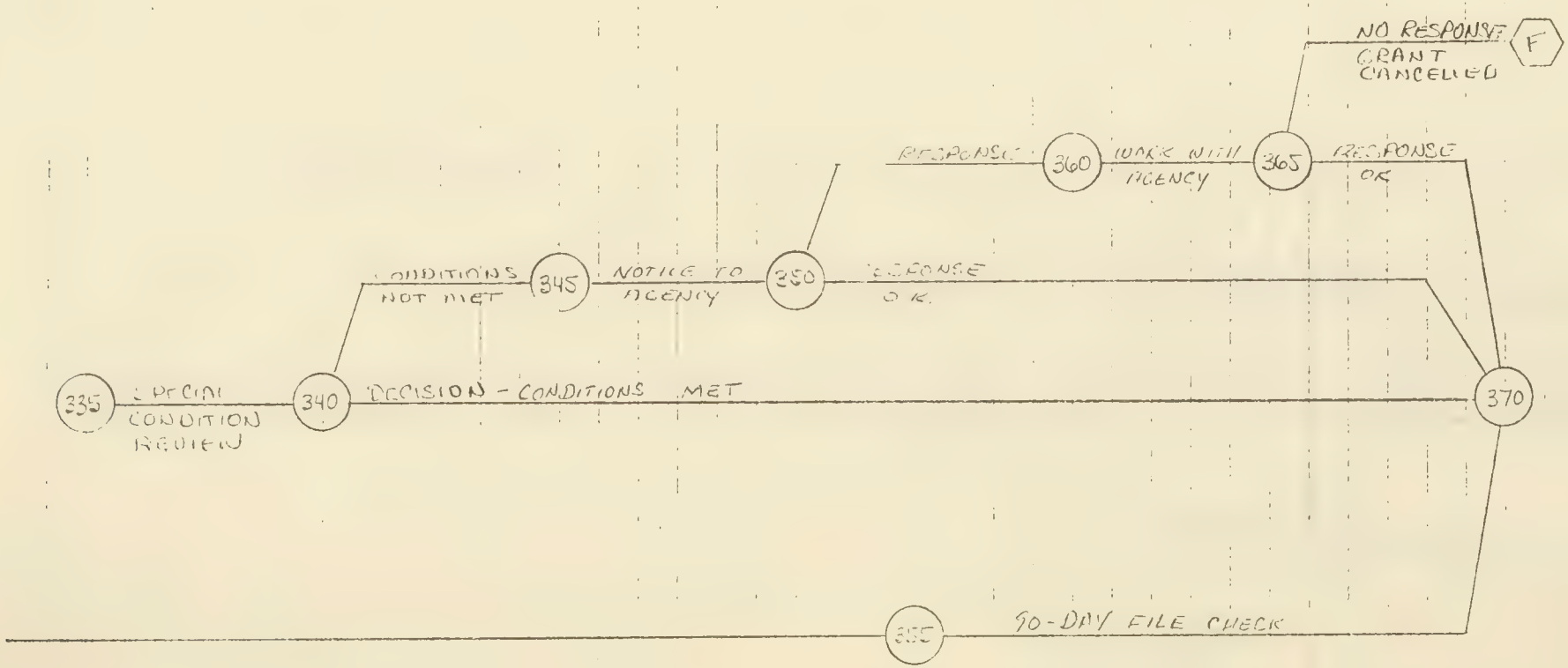
GRANT FILE - MAINTAINED - DOCUMENTED

IMPLEMENTING AWARD FLOW



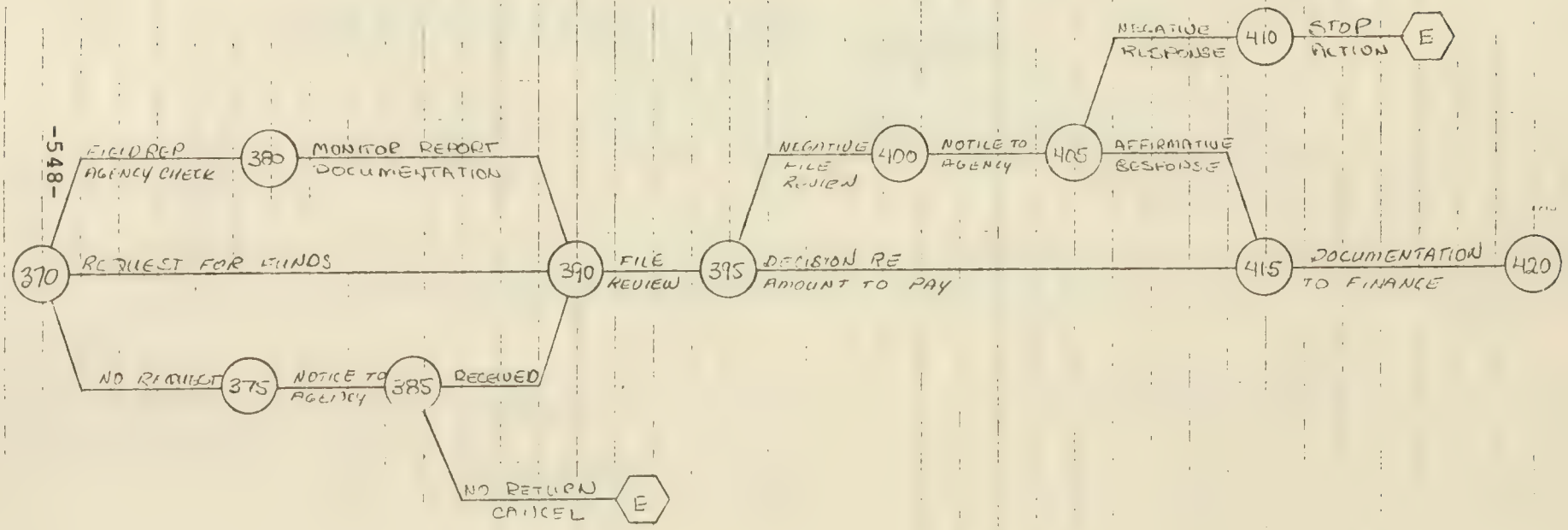
MAINTAINED - DOCUMENTED

BOARD ACTION



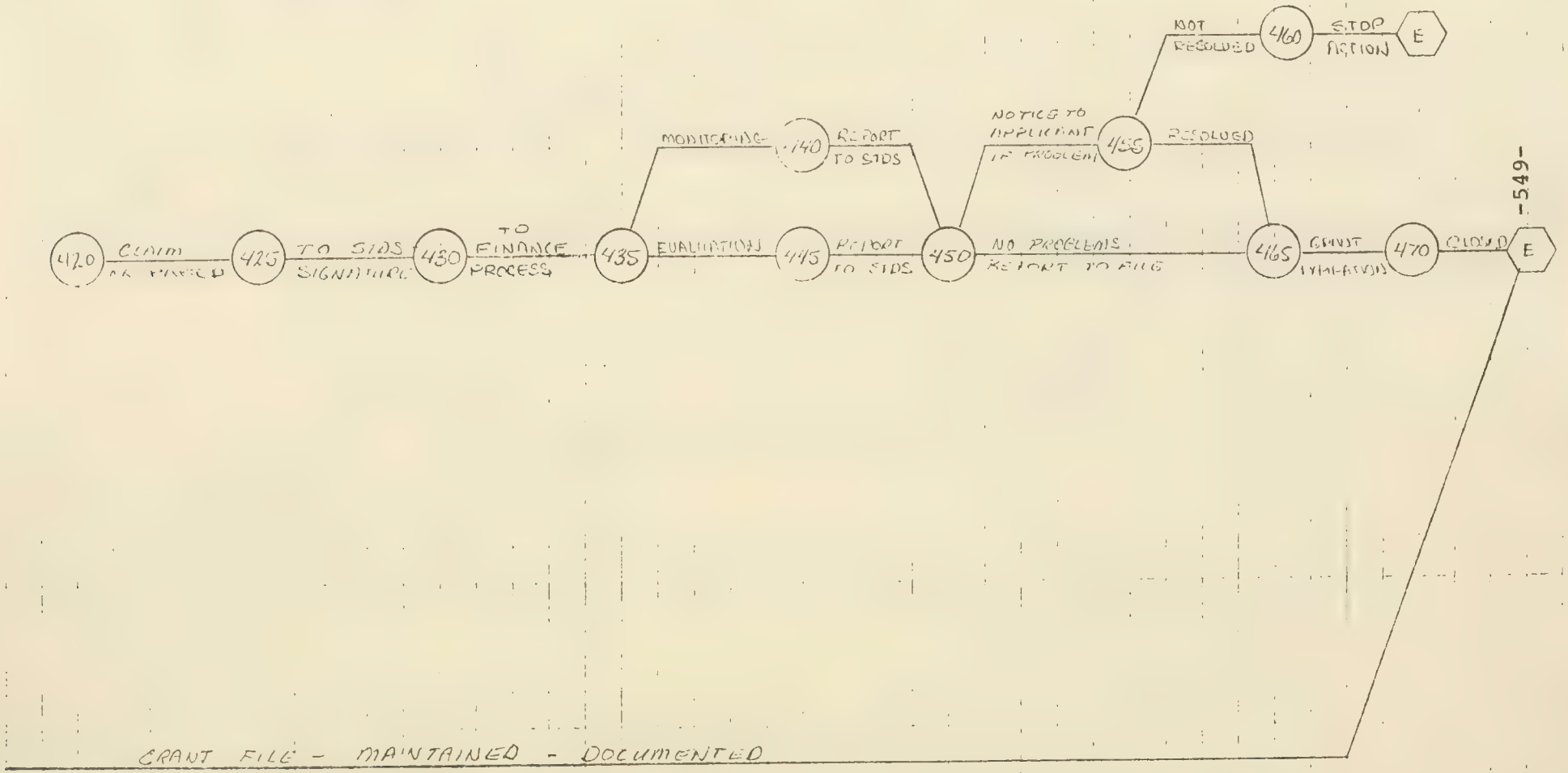
GRANT FILE - MAINTAINED - DOCUMENTED

SPECIAL CONDITIONS



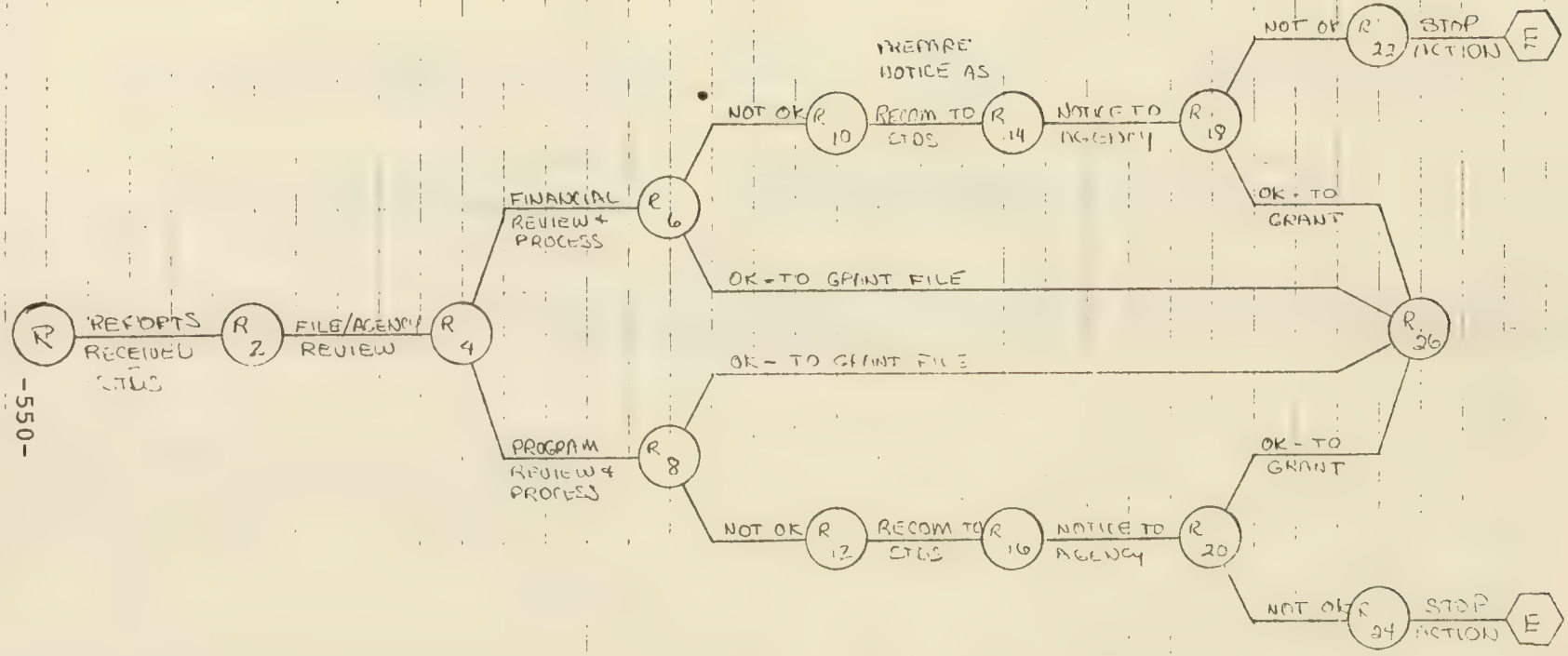
- DOCUMENTED

REQUEST FOR FUNDS



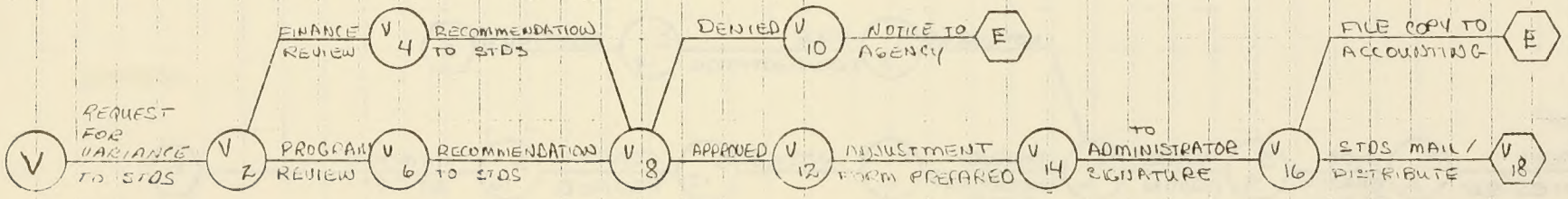
CLAIMS - GRANT CLOSURE

REPORT PROCESS



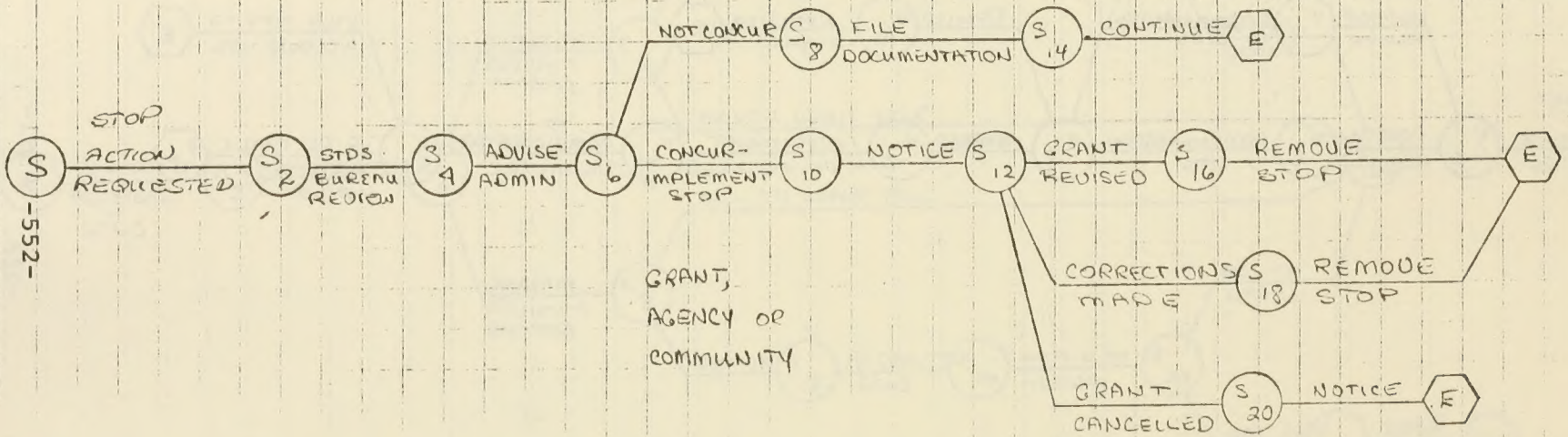
REPORT PROCESS

VARIANCE PROCESS



VARIANCE PROCESS

STOP ACTION


S
STOP ACTION REQUESTED
S 2
STDS BUREAU REGION
S 4
ADVISE ADMIN
S 6
CONCUR-IMPLEMENT STOP
NOT CONCUR
S 8
FILE DOCUMENTATION
S 14
CONTINUE
E
S 10
NOTICE
S 12
GRANT REVISED
S 16
REMOVE STOP
E
CORRECTIONS MADE
S 18
REMOVE STOP
E
GRANT CANCELLED
S 20
NOTICE
E
GRANT, AGENCY OR COMMUNITY